AUG 17 1971

Nenien C. McPherson, Jr.
Garrett Biblical Institute
Evanston, Illinois

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MAN AND THE STATE

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The Meaning of God in Human Experience, 1912.
Human Nature and Its Remaking, 1918.
Morale and Its Enemies, 1918.
Present Status of the Philosophy of Law and of Rights, 1926.

MAN AND THE STATE

BY

WILLIAM ERNEST HOCKING

ALFORD PROFESSOR OF NATURAL RELIGION, MORAL PHILOSOPHY,
AND CIVIL POLITY, HARVARD UNIVERSITY.

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YALE UNIVERSITY PRESS
LONDON : HUMPHREY MILFORD : OXFORD UNIVERSITY PRESS
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Printed in the United States of America

TO

GEORGE HOLMES HOWISON

WHO SAW THE FACTS
AND PROMOTED THE POSSIBILITIES
OF POLITICAL LIVING

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PREFACE

Politics is the most practical of the arts. It is most concerned with 'hard facts'; for what facts are harder than the facts of human interest and passion? Yet it is, and always has been, the most theoretical. From earlier than historic times it has been conducted on the basis of some theory, theological or other, of authority and the obligation of obedience. Long before Plato and Aristotle had set politics among the great themes of philosophy, the sages of Egypt and China had mingled maxims of statecraft with maxims of education and religion. What is the reason for this strange meeting of extremes?

It is due in part to the immensity of the enterprise. A small business may take men and events as they come; a large business must have a policy. The largest business of all must base its policy on some better-than-casual thought about human nature.

It is due in part also to the fact that it affects people more radically than any other practical enterprise. It must give them serious reasons for tampering as it does with their goods, their families and their lives.

It is due further to the fact that statecraft necessarily takes men in the long perspective of their purposes. It is thus driven to some sense for the destiny of the human mass: what is its 'welfare'; and how much of what it regards as its good is capable of being realized under human conditions?

Thus politics needs a science of human nature, that is, a psychology; a science of right, that is, an ethics;

and a view of man's place in the world, that is, a metaphysics. At some point or other, whoever touches politics, however practically, touches these concerns which in their ensemble we call philosophy. If he escapes considering them, it is only because he assumes that an intuitive judgment is better than a reasoned judgment in these matters. In his own case, he may be right.

. . .

It was Professor Howison, of the University of California, who nearly twenty years ago first called my attention to the fact that political life is a philosophical enterprise and that a democracy is peculiarly committed to the effort to think it through. He felt particularly the ethical and metaphysical sides of the state. It was to him a society of persons; and a person, he believed, is a being of inalienable dignity and worth. Relations between persons are moral relations; and the peculiar business of the state is justice,—not the whole of human morality by any means, but that part of it to which the community gives the durable shape of law.

At present it is the psychological side of the state that is chiefly in evidence. It is commonly felt to include all that is important in ethics; and as for the metaphysical aspect of the state, many among us are in the condition of those Ephesians who had "not so much as heard whether there be any Holy Ghost"!

Why may not psychology be taken as the sufficient theoretical background for politics? As the science of human nature, does it not take into account all that can be important in human behavior and outlook? Does it not recognize what ethics and metaphysics have never

sufficiently recognized,—that man is a creature of feeling and impulse far more than pure reason? And is not the politician in particular, charged as he is with the safety and well-going of the state, bound to take men as they are; bound therefore to consider his very words for what they will do rather than for what they say, taking for his guide, like Mussolini, that side of pragmatism in which the views of William James find themselves in strange company with those of Friedrich Nietzsche, and considering all policies not for their independent worth, but for their working in those cycles of stimulus and response which psychology reveals as the essence of human nature?

. . .

The answer to these questions, I conceive, is that it is needful for politics to know *the whole truth* about human nature; and that while psychology, by its definition, might be expected to give him that truth, as it is commonly interpreted today it is not at all likely to do so.

It is needful to know how far man is a creature of cause and effect, of instinct and impulse, of the subconscious and the sub-rational, and psychology has vastly enlarged our knowledge in this direction. It is useful to know what sort of appeal will stir mass action, what bait will incite solidarity and adherence to a cause, what sort of parade, firework, exhibition of the candidate's family life will stir emotion and take the place of how many reams of pure reason in winning votes, what union of fear-inspiring show of strength with energy in obvious public enterprise will keep down the mutterings of the discontented.

But if we are to know the whole truth about human nature, we must include the fact that man has a conscience and a reason. And we must also include the fact that when he finds himself being dealt with through stimuli and responses, he tends to resent it. If the politician is to play upon impulse rather than speak to reason, he must not first explain his intention. If it gets out that we are going to manage men by working on their irrational susceptibilities, we put them on their guard and risk defeating the whole play. For however they look at others, men have a strange proclivity for regarding themselves as rational creatures.

Hence it is that politics based on a causal psychology alone tends to defeat its own aims. I believe that this type of theory has already been in the world long enough so that we can recognize its working and its insufficiency. An incident or two will illustrate what I mean.

* * *

The first is a conversation between an Englishman and an American which took place in the zone of war during the summer of 1917.

E. In a nutshell, the state is a form of force. Its symbols are around you.

A. Yes, but it is more than that.

E. What more is it?

A. It is a force which is set like muscles in a body; there is a mind and a character behind it. For that reason we can treat it like a person, and sentiments of one sort or another can gather about it. When this happens, obedience due to necessity becomes obedience due to natural regard.

E. Now you are talking metaphysics.

A. I thought I was talking plain psychology; but how would you state the case?

E. The state is a group of men and interests engaged in getting all they can out of other men and interests. And the mass of men do not so much obey their politicians as put up with them. They neither fear them nor love them. They are held together more by the force of habit than by fear; and more by the force of economic interest than by either. They submit, to their cost, because the alternative has a far greater initial cost, and the risk is incalculable. That is what I would call the plain psychology of the political life we see around us.

A. Do you mean to say that you are now obeying your state chiefly because of the superior force of your economic interests?

E. To a large extent;—but I would hardly say that I obey the state,—I *see through it!*

The other incident shows a result of causal-psychologizing in a set of heads not of the 'intelligentsia.' In the winter of 1918-1919 there was a strike among the workers of the General Electric Company; in Schenectady, some twenty thousand were out. The immediate occasion was a contest about their right to form an inter-plant union. In the background was an ugly consciousness that they were threatened with the loss of various advantages gained during the war. The strikers published a paper. The front page of the first number carried the caption in large type:

"Put this under your hat. When those hypocrites who have been howling about liberty and justice have got what they want out of your hides, have they any more use for you?"

Plain bad temper? A good deal of it. But it recalled to me the Englishman's formula for the state, "a group of men and interests engaged in getting all they can out of other men and interests." Without any psychoanalytic instruction, it was treating certain ethical aspects of the state as 'rationalizations,' i.e., disguises for a fundamental economic motive. These workmen had come to a psychology of the state which was in full accord with that of *E* in the conversation. They, too, thought that they could *see through it.*

Now obviously, a psychological theory of the state need not be a theory based on economic self-interest: this is but one view, and a narrow one. But whatever the motive invoked, so long as it is of the causal-irrational variety it shows its fallacy by ceasing to be true for the one who holds it: *he* has seen through the illusion. And since the publication of this sort of psychology has for its destiny the disillusionment of everybody, it has for its destiny to make itself untrue.

We must have a psychology of the state; but it must be one which remembers those truths about human nature which stay true when they are published!

. . .

This book has the advantage and the disadvantage of having been many years in the works. It has gone through the war and the peace, the revolution in Russia, the alterations of democracy and of socialism in many lands. Its themes have been discussed with groups of students in California, Yale, Harvard, Union College, Grinnell, with groups of workmen in Oakland and Boston, and with many others in and out of politics. It should have gained by these experiences.

But it has doubtless suffered in its unity. The writing is of different layers,—not all poured out at once. The greater part of the book has been re-written in the last two years; but one part, the psychological foundation, has held its own through three or four summers. I trust that this is a sign of stability!

Another disadvantage is that I have not done justice to several recent works which appeared after the relevant chapters had been set down. Had Laski's *Grammar of Politics* come to hand before the chapter on political pluralism was finished I should have made it my text instead of his earlier writings: I think, however, that his views are so far unaltered in this regard that the earlier references are still valid. I regret, too, that I became acquainted with Professor Norman Wilde's excellent treatise on *The Ethical Basis of the State* too late to enlist its aid.

The present book is to be followed by two others, which will be, in part, applications of the general principles here worked out, and in part independent studies. The first of these, on liberty and democracy, is already in manuscript. The second, on the rights of men and of nations, is outlined and partly written. The sketch recently published, *Present Status of the Philosophy of Law and of Rights,* will indicate the lines on which I hope to work out the theory of right. There is no necessary order in a theory of the state; there is no way of plotting a living thing upon a flat sheet. But if one has found a truth to aim at, the unity of meaning in the whole will take care of itself.

WILLIAM ERNEST HOCKING

Cambridge, Mass.,
May 27, 1926.

PART I

FACTS, THEORIES, PROBLEMS

CHAPTER I

THE POLITICAL ART

TO all efforts of men to coöperate, fate has attached a penalty. Whenever a common interest exists, an antagonism of interest springs out of it.

If forces are joined for a hunt, division of the bag must follow, and neither an equal division nor an unequal division will satisfy everybody. If they are joined for battle, the brunt must fall on some and not on others. If two till a field together, each becomes concerned that the other does not shirk or consume undue share of the yield. Labor needs capital, and capital can do nothing without labor,—in the welfare of their common business their interests are identical. Yet the net income must be somehow divided, and, in this operation, what is more for the one is less for the other: at the point of distribution the appearance of harmony vanishes. No one whose mind refuses to face both the agreement and the divergence of these interests can be more than a blind guide for the present age.

Beside the discords of apportionment, there are the discords of dissent in the conduct of the common enterprise. For the most part, human beings are gifted in the capacity for falling in behind leadership; but it is a rare group in which there is no superfluity of planning intelligence, or the conceit of it. Hence human groups move habitually under the friction of divergent counsels.

It is physically easier for men to live together than to live apart. It is morally easier for them to live apart than to maintain permanently a successful partnership or friendship.

2. Hence the word 'coöperation,' amiable of sound, flourished by many a reformer as the key to social problems, solves nothing. Every new coöperation or stage in coöperation is the beginning of new difficulty. Deliberate coöperation is of all human efforts the most liable to shipwreck. Experimental communities, socialistic or other, whose presumptive advantage is gained by increasing the existing burden of coöperation, must find a way of arbitrary relief from the added strain in enhanced authority, or else in heightened religion a way of replenishing their energy toward harmony: otherwise they must perish, as most such experiments have perished.

In sum, we may say that there is in the nature of human associations a *law of decline,*—of decline, that is, in their energy of union, which subtly ushers every such enterprise toward death.

3. In spite of this law of decline, there is evidently a local level of coöperative life which, with slow changes, persists. Everywhere there is a traditional family life, more or less firmly knit: everywhere there are groupings for livelihood and defence more or less extensive and stable. These are the fundamental ventures in joint living; they hold their own; in the long course of history their level in most places has slowly risen.

They hold their own not because they are exempt from the law of decline, but in part because their roots

are so tough and deep that they survive the operation of that law and forever begin anew. Some of these roots are in the instincts of sex, parenthood, food-getting, acquisition, fear,—as tough and deep as human nature itself. Of these, the domestic instincts make directly for coöperative union, while the instincts of food-getting and acquisition require union not less inevitably, though indirectly, through the logic of the wants they breed. For when an insatiable want is served by a limited supply of mental and physical energy, no immense economy of such energies can be neglected; and coöperative living is the first and most sweeping of economies.

These deep-seated impulses, social and economic, might be counted on to keep alive an effort for association, but they could not be counted on to preserve the result, much less to advance it. For just because they are the toughest of human interests, they bring men into the most violent of collisions. To the natural man, clashes about property and rivalries in mating are the two great occasions for that elemental pugnacity before which the prudential value of life and limb vanishes like mist. The sources of disruption that lie in these impulses are proportionate to their uniting power.

4. The same is to be said of the motive of fear or hatred of a common enemy. Agreement in hostility has played no small part in cementing social unions, providing at times sudden cures for internal dissension, and not infrequently courted by statesmen for that purpose. Dislike and fear of the foreigner has sometimes been celebrated as the chief bond of social

amity.[1] But experience shows the frailty of that bond when the strange bedfellows it makes have no other reason for alliance. Unions based on common negations, like friendships based on common antipathies, are natural hotbeds of inner discord when the members turn from fighting their mutual enemy to objects for which their qualifications are purely accidental. Metals may be welded under blows: but a social body whose parts have been merely beaten together has little cohesion.

The Darwinian mode of explaining social growth has shown how much the compactness of early society owes to war. But it has left in the wake of its truths and truisms a thoroughly misleading impression of the upshot. It might be taken as obvious that if there had been an era of general struggle among human groups for actual physical existence, and not merely for dominance, the best coöperators would have had a vital advantage: the compact societies would be the survivors. But granting this somewhat fanciful view of early history, what is the inference? Is it that war has produced solidarity? Surely not; but at most that war has *selected* a solidarity whose sources, like those of all other variations, the good Darwinian leaves in mystery. Pugnacity in external relations has only an occasional value in preserving the energy of association in human groups.

5. Neither can we find the secret of permanence in custom. It is true that in all extant societies a mythical agent called custom restrains the violence of the fighting temper among members, and masks the in-

[1] As by Livy, ii, 39: Externus timor maximum concordiæ vinculum . . . jungebat animos.

tensity of every disintegrating trend. Unless the meal of society will admit of being worked into a 'cake of custom,' there is little hope that it will become a lasting cake of agreement. But no one claims that custom is the author of those restraints which it carries on: and if it is not the author, it can hardly be their chief support. Custom merely continues what is given it: it has no power to create what is absent nor to restore what is lost.

For note that what is customary is (in individuals) habitual, and what is habitual is partly subconscious, and what is subconscious retains its power and effect only so long as nothing changes. A little disorder shows how thin is the film of custom if it acts alone. An interval of war, an Athenian pestilence, an increase of wealth and power in private hands, is sufficient to unsettle the balance in many a wilful head; and with his dread of the *nomoi* weakened, he begins to see in custom the cunning of the group as against the individual, to make covert exceptions in his own favor, and to become a center of social decay. What misfortune will do for some, rapid advancement will do for others, as the shrewd Machiavelli foresaw when his Prince should have made himself the successful despot.[2] And if the intoxication of success outweighs the force of custom in those whose stake in social solidarity is greatest, lesser disturbances in lesser heads show as clearly that custom depends on stability as much as stability depends on custom.

6. Persistence of associate life, then, is not due to instinct, nor yet to custom. These are like the constructive and conserving forces in animal bodies, and like

2 *The Prince*, chs. xvii, xix.

them would wage a slowly losing fight against the destructive tendencies always dogging them. Social persistence is due chiefly to a factor which has no exact analogy in the vital economy of the organism, and no exact parallel in animal societies.

In animal societies there is no law of decline, because there is no element of deliberation in their structure: the quarrels of a pack of wolves over a carcass leave the impulse to continue the hunt in the same company unimpaired. The specifically human thing in association is an element of *conscious purpose which surveys impulse:* man by nature does not follow either instinct or custom, he uses them. In a given species, animal societies always assume the same form: in the human species, no two forms are alike,—the play of a deliberative art mingles with the duller and steadier forces. Now the reflective element which makes human societies variable also makes them vulnerable; it is this also which holds the secret of their preservation.

For in the midst of his antagonisms, when the instinctive grounds for association have lost all their impulsive force, it is still possible for the human being to hold to a consciousness that these grounds have not in fact disappeared. Such a remnant of self-possession we are usually aware of in the midst of our ordinary angers, even when they adopt the language of radical destruction: we are seldom so far absorbed in wrath that we do not to some extent observe and direct it from an unruffled corner of the mind.[3] A pure impulse

[3] "Anger has in it also a bit more of comedy than one is usually ready to admit. We know the trick of becoming angry and of directing it, like anything else,—this is done without our knowing precisely what will come of letting out the full strength of one's emotion." *Alain* (E. Chartier), Quatre-vingt—un Chapitres sur l'Esprit et les Passions, p. 205.

of anger makes directly for destruction,—either the annihilation of the opponent or the abolition of the social bond between the combatants, the destruction of the 'we.' Where there is no self-conscious reflection upon resentment, destruction of this sort cannot be condemned; among animals there is no such thing as a crime of murder. If one of two rival bucks does the other to death, he offends no law of the forest. Animal hostilities are often modified by the intrusion of other instinctive tendencies:[4] but in any case, they work themselves out. In almost all human societies, on the other hand, brother-killing ranks as the typical crime. And the common sense of the peculiar enormity of murder seems to be due less to the extreme harm inflicted on the victim or to the subtraction from the resources of society than to the implied absence in the perpetrator of that essentially human check which self-consciousness in hostility entails, or, what is worse, to the corruption of that very self-consciousness into a deliberate purpose of destruction.

These statements touch many controversial points; but the conclusion to which they lead does not depend on these debatable issues. It is this residue of reflective knowledge, keeping the tide of antagonism from winning complete possession of consciousness, which holds the natural answer to the law of decline. What is it, then, of which this reflective corner of the mind is aware?

7. It contains, first, a more or less intelligent dread

[4] In Wallace Craig's masterly studies of animal pugnacity he has shown the sensitive attunement of hostility to the degree of strangeness of the offending animal. These modifications, however, seem to me not to involve a reflective or properly ethical factor.

of the evils of disunity, known and unknown. In primitive societies an uncanny fear of the nameless risks of detached living has played an immense rôle of preservation. And perhaps there are few joint enterprises, from bands of thieves onward, in which this purely negative consideration has not at some time or other saved the day. As the most radically intimate and revolutionary association, marriage is intrinsically the boldest and most difficult; yet it is, and will always be, the most generally successful quite without the aid of divorce legislation, because if ever the energy of union runs low, the partners and their children face the profound difficulties of undoing the original bond and all its branches. This negative factor is so forceful, and withal so constant, that certain thinkers, like Hobbes, have laid upon it the burden of creating as well as of holding together the political fabric. And it has a certain building power, I believe, in all corporate ventures even to the most ambitious. What league of nations would be so much as considered if a world of unleagued nations had not shown itself so full of the threat of hell?

8. But like the fear and hate of common enemies, to which it is akin, this dread of dissociation promotes union only because a more positive consideration is present with it. The reflective awareness of anger contains the perception that conflict, instead of being the purely disintegrating force we commonly regard it, has a constructive function; that it is a process which associate life *normally goes through* on its way to a more durable foundation. Conflict signalizes the fact that the association has been too exclusively built on instinct, custom, and the like; and that the time has

come for the abandonment—not of the association and its 'we'—but of its semi-conscious character. Acting on the human mind, discord undermines naïve coöperation, but in the interest of coöperation whose members have "come to an understanding." The quarrel becomes an emphatic method of *making terms.*

Discord seems not to have this effect on the subhuman mind. Adam Smith observed that man alone is able to transform strife over goods into bargain and barter. "Nobody," he says, "ever saw a dog make a fair and deliberate exchange of one bone for another with another dog. Nobody ever saw one animal by its gestures and natural cries signify to another, this is mine, that yours: I am willing to give this for that. When an animal wants to obtain something either of a man, or of another animal, it has no other means of persuasion but to gain the favour of those whose service it requires. A puppy fawns upon its dam" etc.[5] And of course there is the alternative of aggression, if fear does not forbid. But man bargains; this propensity is "common to all men, and to be found in no other race of animals." And this capacity to bargain, i.e., to surrender what one wants less, in order to gain what one wants more, implies this new idea, that the impulse of my opponent to fight for his possession may have something in it worth conciliating. His egoism is not a mere 'brute fact' confronting my egoism; I do not wish to destroy it: on the contrary, if by some invention these conflicting egoisms could become compatible egoisms, the total situation would be more satisfactory for me also.[6]

[5] *Wealth of Nations,* I, ch. ii.

[6] Craig attributes competitive fighting among animals to lack of invention alone.

"If we set up a new pigeon cote containing several compartments

9. Thus, because of this reflective or on-looking element of human selfhood, the same causes which provoke antagonism and disunion instigate the beginning of invention, that is to say, of art, in the management of conjoint living; so that association by impulse becomes by degrees association on stated grounds and on stated terms. This art is the political art *par excellence.*

Capacity for this art is in every human being; and wherever this capacity is marked social conflicts reach a settlement as it were impersonally, and such spontaneous settlements go to shape the uncodified customs of every group and community. Who devised the hoary plan of passing to the right or left in traffic, or the very modern plan of falling into line at ticket-windows, will never be known; and indeed such devices would be useless unless the idea were promptly adopted by so many at a time as to appear a common conception. But out of this background of anonymous art there emerge

each with its own door, and allow the pigeons to choose compartments for themselves, it may happen that two males will choose different doors from the very first, in which case they may live side by side in peace. But it may happen that both become enamored of the same door and each tries to enter it and make it his own. If these birds were endowed with reason one of them would address the other in this wise: 'Friend, there is plenty of room for you and me. Let us agree that you shall use the right door and I the left.' But since pigeons are not endowed with reason they cannot make such a conceptual agreement . . . they can adjust the difficulty only by fighting for it. In short, the reason why animals fight is that they are too stupid to make peace. That this is the true explanation is indicated by the fact that if we lend the birds our reasoning power, if we act as arbitrator and settle their disputes for them, they accept our adjustments and live in peace'' (*Intl. Jl. Ethics,* April, 1921).

To this admirable analysis I would add only that in the development of arbitrative invention among men a growth of tolerance toward the opposing egoism seems to have entered as a needful predisposing condition.

always certain natural referees, interpreters, arbitrators, judges, and finally we have those specialized inventors of settlements whom we term politicians. We propose to use this word in its liberal and legitimate sense as including all who practice the political art. The politician is the man who deliberately faces both the certainty that men must live together, and the endless uncertainty on what terms they can live together, and who takes upon himself the task of proposing the terms, and so of transforming the unsuccessful human group into the successful group.

It is this art of deliberate reflection and term-making which has hitherto chiefly preserved and advanced the level of associate life in human societies.

CHAPTER II

THE OTHER SIDE OF POLITICS

WE began our enquiry into politics with the group-life of mankind as a given fact. What the prior activities were that created this group-life and carried it on we have not noticed, except to say that the primary social groups have their roots in deep-laid needs and instincts. We have taken it for granted that society must exist before politics has any function. We propose now to look more directly at this prior group-making activity.

This does not mean an attempt to go back to the aboriginal beginnings of family life, clan life, occupation groups, cult groups, amusement groups, and the like, even if we could. There is no need of that. For groups are living things, and the formation of a living thing never ceases. The activities that achieve a building, a bridge, a factory-product, come to an end with the making: the processes which create groups continue before our eyes. The ordinary activity of a group is a sort of perpetual generation.

11. Roughly described, the group-forming process consists in bringing the scattered intentions of several minds into the current of a common action.

We can see it when a burning forest assembles a group of fire-fighters from the most varied occupations; or when the raising of a barn-frame brings to-

gether a group of farm-neighbors, or when a movement is started among local merchants for deepening the harbor, or when the idea of collective bargaining is preached among fruit-growers or cotton-buyers or steel-workers.

It is seen whenever a leader assembles about him a group of followers; but it is a much wider phenomenon than leadership. For many a movement proceeds far without known author or defined head. There is many a conspiracy whose members have found their way together as by the unspoken presentiment of a common cause; and in many a crowd, the assembling force seems nothing more personal than a common excitement seeking an outlet in action. An anonymous shot at Serajevo may set the teeth of a continent, in a score of separate camps, and bring thousands of leaders into action, as if the process were the creator of the leadership, rather than the leaders creator of the process. The essence of the affair is not the leadership, but the passage from dispersed intentions to united purpose.

It is remarkable that a process of this sort having a thousand daily instances should have no general name. Names naturally light first on more specific things, and there are names for all the more specific types of social conjunction: the 'gathering' of crowds, the 'growth' of parties, the 'getting up' of societies, the 'courtship' of lovers, the 'mustering' of troops, etc. We need a name for the common element in all these occurrences, namely the moving together of dispersed individuals with dispersed trends of action. Why not simply call it the *com-motive* process, the process which moves together? The fact is that among all the *motive* impulses that affect individual behavior,

some are naturally *com-motive* impulses, inasmuch as they appear to the mind as sharable or needing to be shared. Strong resentment or fear leads one to seek others with whom to join in action; they tend to assume common cause, and so to create it. When commotive impulses are present, leadership emerges and spins out its various plans for the structure of coöperative action. We shall refer to this process hereafter, in all its forms, spontaneous or promoted by leaders, as the commotive process.

This process is evidently not specifically human. The snort of danger will have a commotive effect on a herd of cattle, the trail-yelp of a hound the like effect on a pack. And it is certainly not specifically political, even in its human forms. For it is the building process of all human groups, and therefore precedes the political art we have been describing: the commotive process is first and the term-making process afterward.

12. But if term-making is not group-building, then term-making is not the whole of politics. For among the groups that make up society there is one which we call the political group; and we can hardly exclude from our notion of politics the commotive process which builds the political group. What is this political group?

It is a group which surveys and includes other social groups. Its crudest distinction is its size: it is a relatively large group. But its size is an incident of the more significant distinction, that instead of being simply another group, side by side with the rest, it includes them: their members are also its members. It serves as a general container in which several specimens of most other kinds of human association can co-

exist: it is a sort of social common multiple. This peculiarity carries with it another: for a group which includes others cannot act on its own account in simple disregard of the activities of the included groups: it is mechanically compelled by its position to take their purposes into account, i.e., to survey them, reflectively. It is this reflective survey, the mental essence of politics, which is the primary character of the political group. It exists, not because men must hang together in large bands in order to survive or to secure the best economy; it exists because men are disposed to *think* about their manifold group life as a whole and give it a conscious order and direction.

Coöperation on this extensive scale is aided, no doubt, by echoes of herd instinct: the impulses which stir the primitive political group into being are elemental,—fear, pugnacity, food-getting,—but all of these in concern not for *my* existence, but for *our* existence,—the existence and well-being of these inner groups and their members. They are reflected upon. Further, in all the varied forms of political association in the history of mankind, the note of conscious device is evident: it is always a product of leadership. To bring the political grouping about and carry it on is the peculiar work of the 'statesman,'—the other half of the political art. We habitually distinguish the statesman from the politician; and the essence of the distinction is that between the commotive process and the term-making process. The art of politics in its widest sense includes both.

In its simpler forms, the political group responds directly and as a whole to the commotive impulses, largely of foray or defence, which center in the person of the chieftain. In later forms common action becomes

indirect; the statesman acts for the group; but his acts are still regarded as the common deed, and are ascribed to 'the state.' Assuming that its members have common interests, the state carries out "public services." Assuming that they will recognize a common concern in common plans, it promotes public enterprises in war, in public works, in inter-state conversation. And to do all these things as the deeds of its members, it *governs* them, i.e., it commandeers as occasion demands, their energies, their wealth, their lives.

These are the commotive aspects of politics; and it is evident that they have developed in modern states into the executive and administrative sides of political activity; as the term-making process has developed into the judicial and legislative sides.

It is the commotive side which chiefly clamors for attention; for to the common eye, states are not engaged primarily in settling conflicts among members, they are engaged in doing things. They are thought of as persons, having characters, records, reputations, issuing series of deeds, public actions whose sum—if not the whole of history—makes a conspicuous part of it. Broadly speaking, the political art on its commotive side is history-making, as on its judicial side it is term-making.

13. The clear distinction between these two processes, commotive and arbitrational, need not disguise the close connection between them in nature and in practice.

It would be hard to find a group-forming activity among human beings which is not in part term-making. For from the first, a human group must coöperate on

some sort of terms. The good leader must have in him something of the reflective sense of the arbitrator, anticipating conflicts and settling them, as it were, in advance. Indeed, in many groups, the promoter and the adjuster are the same person. He is the *basileus* of Homeric days, at once general and judge; he is the navigator who both directs the enterprise and determines the rules of the ship; he is the explorer who carries in mind the meaning of the journey, and also meets as they arise the personal troubles incident to all close-bound societies; he is the merchant-trader who determines the policies of his business, and at the same time keeps a steadying hand on the tempers of his employes in their mutual relations. The commotive process tends to include the process of arbitration.

On the other hand, the arbitrative process tends to include the commotive. How can a physician renew vital energy unless he can become an accomplice with the natural sources of that energy? Likewise a politician, if he is to renew the energies of group-life, must somehow renew the impulse which brought that group into being. He must incorporate something of the promoter in himself; and he works most effectively when he can actually reinstate a commotive impulse within the group: a settlement is not a good settlement if it merely restores harmony or equilibrium among the contestants, without renewing action in a common cause. Hence the good adjuster will have in him a share of the commotive energy of the leader; and in his work the group is, in effect, reborn.

These two activities belong together in the political group as in other groups; and in the greater personalities they came to a natural fusion. Napoleon the warrior contains implicitly Napoleon the code-maker:

Peter the reformer contains Peter the head of state. History-making includes term-making, especially the external term-making of statesmen and diplomats but also the internal term-making of legislatures and courts. And term-making, in turn, will always be imperfect unless it considers the public policies of the community.

It is an especial weakness of our machinery for judicial settlement that it is divorced so completely from all reminder of the common concerns of citizens. Our "separation of powers" is an attempt to make an institution of the faulty faculty-psychology of a century ago, which split the mind into intellect, feeling, will, with various sub-powers. The honest magistrate can never evade the immediate issues that call for settlement; but he will know that his work is not done until the interests that originally brought the litigants into association have regained their motive energy. When the eyes of each contestant are fixed on particular interests, rights, and wrongs, common purposes are excluded from the too-well-analyzed picture, and the best settlement leaves the individuals separate, inert, devoid of social momentum.

It must be recognized that the judicial process and the commotive process are abstract aspects of a single art.

14. Nevertheless there is a psychological distinction which justifies us in recognizing a twofold character in politics, and explains the fact that these inseparable functions have so commonly been separated in practice. Human temperaments evidently diverge in such wise that judicial genius is rarely joined with equal

administrative ability, and the great executive seldom makes the ideal judge.

The psychological difference here is that between *will* and *judgment*. Will might be described as the commotive aspect of the mind, assembling scattered impulses into the current of a single purpose, while judgment is the attempt to bring conflicting facts and values into order and so to maintain the normal energy of the will. For the energy of a purpose, like the energy of a coöperating group, is subject to a law of decline: the will has its minority voices and inner conflicts threatening its unity in every enterprise. The resolute will may ignore the friction and put its purpose through; but this policy cannot be made thoroughgoing without disaster: the successful will respects its dissenting fragments, it is a reflective observer of its protesting impulses,—it is a will with judgment, or as we sometimes put it, with reason and conscience.

The temperaments in which we feel will predominant have judgment in the form of intuition, and are governed less by a sense of difficulties than by a sense of the good to be gained. Those in which judgment is predominant are aware of hindrance and of the necessity for structure: in them the critical intelligence is active, analyzing, comparing, and devising new channels for the purposive energy.

There is reason, therefore, for recognizing the political art as having a twofold aspect, the political element in both being that character of rational, reflective inclusiveness in which the meaning of all group-life is reviewed and reëstablished in consciousness. But this implies or carries with it a certain *cumulative* character which we must now take into account.

CHAPTER III

THE STATE

THE history-making process, like the individual will itself, is forever meeting new situations in new ways. The note of perpetual adventure in the daily news of the world—so far as it is made up of the doings of states and statesmen—is due not alone to the uncertain moral quality of these agents, but to the endless uniqueness of the event-figure that confronts them. It is the essence of history that its situations never recur.[1] There can be no repetitions in the life of the will, individual or social: least of all in that alignment of wills which constitutes at any moment the world situation.

On its history-making side, then, the political art is an art of improvisation; and this quality extends to the arbitrational process. The effort of the politician must be a day-to-day effort of coördination, governed by the always pressing necessity of getting things done, taking people and situations as they are, using a more or less diplomatic pressure to bring the self-willed into the grooves of a working totality, while force waits in the background to hasten and cement the accord. Thus, the term-making process, which gives the idea of the 'politic' its suggestion of psychological

[1] Cf. H. Rickert, *Grenzen der naturwissenschaftlichen Begriffsbildung*, passim. But even if there were an external recurrence, the fact of memory, giving to consciousness that snowball character emphasized by Bergson, would make the same not the same.

cunning, address, and resource, is conceived as a ready body-servant of the first or history-making process.

But this picture is partial. The chief work of political art is not found in the settlement of this or that quarrel or revolt. It is rather found in the durable result that emerges from such settlements. Unless understandings once reached were good for more than one occasion, the political achievement of one day would have to be repeated *in toto* on the next day. But in point of fact, every decision and every settlement contribute something to every subsequent decision and settlement: something of mental bias and precedent holds over. And these increments add little by little to a total pressure toward settlement and toward certain modes of settlement which all later contestants and rebels feel. This cumulative tendency, which governs the whole character and meaning of politics, is the inevitable result of a *principle of generalization* inseparable from human nature. To express it roughly: every particular event or thing that comes to our attention we seek to bring under a familiar class-idea; and every class-idea we have seeks particulars to which to apply itself. The logic of this trait deserves examination.

16. It is a truism that no event can stand alone in the mind, but having its place in a series of events, it is known as like its predecessors in certain respects and as different from them in certain respects. The strangest event cannot be wholly devoid of likeness to others: the uniqueness of an earthquake cannot exclude its resemblance, as an experience, to a ride on a hay-wagon or to the setting of brakes on a freight train. And the perceiving of likeness is spontaneous: one might almost say that our experiences classify themselves, as

they impinge on our interests in similar and different ways.[2]

This noting of resemblances is evidently in the interest of successful action: as I meet one event, so, if I have been successful, will I tend to meet another like it. To land a trout is a very different operation from capturing a tuna-fish: yet experience in the former operation is some preparation for the latter. A *habit* is a practical generalization, that is, an acquired way of meeting like events with like responses. *Skill* consists of habit with the additional factor of a nice judgment of the variable quantities where cases differ. A marksman is not skilled if he can use but one gun and hit but one target and at a fixed range: he is skilled if he can adjust his aim to different ranges, weapons, winds, etc. There can be no skill without habit, for nicety of adjustment depends on much experience; but habit may easily interfere with skill when it attaches itself to some special set of conditions. An overgrowth of habit tends to treat different cases as if they were alike; an undergrowth of habit tends to treat like cases as if they were different: each defect is hostile to the best growth of skill. But habit tends mainly to overgrowth, because it is a vast economy. So far as we can meet oncoming experience by resemblances to previous experience we are saved the bother of thinking it out anew.

[2] The 'laws of association' suggest this quasi-mechanical self-arranging of our mental properties; the chief error of the associational school lay in ignoring the rôle of interest in determining what likenesses would determine classing. To a child interested in a dog in his capacity as a four-legged self-mover, cats, squirrels, horses, and cattle will probably be recognized as dogs, until some further interest is affected by the points of difference. But if the child's interest in the dog were in his voice, the squirrel which might have a fair case for being classed as a dog, would fall in a different group from cats, bulls, and horses.

The capacity to make these practical generalizations thus appeals to the lazy, imitative, inert traits of the mind, and tends to develop a specific weakness, that of casting about for precedents to guide one's behavior instead of being all-on-the-spot with the unique event.

17. Thus it becomes an important part of the art of life to note how widely fields of action differ in the degree and kind of generalization they allow. Mechanical labor admits the maximum of fixed habit. Dealing with living things allows the least, not only because they are endlessly variable, but because they learn your habits and defeat them, as the fox learns the ways of the hunter. There is some reason for thinking that generalization in this field is always fallacious: for, as Bergson has well pointed out, the living being is always dealing with the novel and in new ways. But true as this is, it does not follow that generalization is excluded; for *the novel does not exclude the regular,* but builds on it. Habit-making is itself a phenomenon of life; so far as his game has habits, the hunter may form his habits upon them,—he must do so. And some men appear to have an acquired skill in dealing with human beings themselves. We cannot exclude generalization from the field of the living; but we must recognize that in this field it so far differs from the generalizations of mechanical practice as to constitute a different logical species, which we might call *intuitive generalization* as opposed to explicit generalization.

Explicit generalization takes the form of *rules* for meeting well-defined classes of situation, i.e., classes defined by objectively verifiable marks. "After three frosts, gather the walnuts." Intuitive generalization admits no fixed rules, but consists in an acquired *readi-*

ness to meet variable situations through an instant sense for the forces that are producing the variation. Skill in riding is an example of this sort. So with most cases of acquired skill in meeting emergencies. There can obviously be no fixed rules for meeting emergencies, since it is of the nature of an emergency to be out of order. Yet the ambulance surgeon is better prepared than the bystander to deal with a new type of street accident: and the adventurer and explorer extract from tight situations of one kind a highly general sort of readiness for meeting tight situations of remotely different kinds. So for all that flood of transactions which constitute the dealings of man with man in society, while all rules of skill falsify themselves in the stating, it is impossible to suppress that organic generalizing which goes on within us, ripening judgment into 'discretion' and 'wisdom.'

Recognizing this fact of intuitive generalization makes it unnecessary for us to fall into the dilemmas of Bergson's position in order to escape the fallacies of a mechanized view of life. If life eluded all concepts, so that there could be no generalization in dealing with it, there could be no learning from experience in that region: the tyro in merchandising, in teaching, in administration would be as useful as the seasoned practitioner. The logical kernel of the matter is that the *recognition of likeness is not opposed to the recognition of difference, but the reverse:* it is only the mind well stored with resemblances that can properly assess differences. The new hand at stamp-collecting hardly knows the rare from the common: only much experience in classing can give him a sense for the exact value of the unusual specimen. *Connoisseurship* is the

finesse of discrimination which is based on the complete maturity of generalization.

18. How does this generalizing habit of the human mind affect the processes of politics?

In the main, the history-making process repels generalization, while the term-making process invites it. The statesman, always facing the emergency of state, must be keenly aware of the uniqueness of every problem; rules of experience exist for him only to be broken, and the sole usable generalization is the intuitive generalization of skill. Even to the routine of the subordinate clerkships, the universal hatred of red-tape and of the card-catalogues of classified cases shows that in the administrative side of government the practical rules which constitute official habit are known as the curse of government, not its essence.

On the other hand, in the work of the arbitrational process, settlements of every sort vigorously propagate their kind. The decision of the arbitrator or the *basileus* may be a 'sentence' applicable only to the case before him.[3] But as a human mind, the *basileus* cannot erase the traces of a previous case when a later one sufficiently resembles it. And even if he should forget, *the community does not:* its members adjust their conduct to the expectation that similar cases will be similarly treated. Thus crimes and civil issues will become classified in their minds; ways of treating these classed situations will become traditional, and will accumulate as a code, a private treasure of the community; while magistrates will tend to stabilize their personal judgments by a study of prior decisions in

[3] Maine, *Ancient Law,* chs. i, v.

cases that resemble (faintly or nearly) the case before them.

In proportion as this generalizing goes on, the adjustive process becomes the *judicial process,*—a work of applying to particular cases rules or principles already in existence. And eventually it fledges into the *legislative* process,—a work of forming rules for meeting future cases, expected to have a family resemblance among themselves. Judge and legislator coöperate to produce a growing body of defined *law,* the *corpus juris* of tribe or nation. Neither of them merely finds the law, and neither wholly makes it: both take their cues from the anonymous adjustments which a people strike out for themselves. Thus the laws of the road accept and formulate practices already worked out in traffic, and the laws of commerce sanction some of the useful, though confused, customs of the marketplace: to this extent the 'living law' precedes the enacted law, statute codifies practice.[4] But the judicial declaration and the statute do, in turn, materially modify practice, if only by choosing from among confused and inconsistent customs, or by carrying over old rules into new analogies.[5] The whole process of the

[4] Eugen Ehrlich, *Soziologische Grundlagen des Rechts.*

[5] An interesting example is the career of the conception of 'trust' in English law. What is expected of a person who holds property for the use of another is a matter of usage before it is taken up into the law of uses or later of trusts. But once the conception of trust is established it finds application in unexpected quarters. It occurs to the Court of Chancery that property contributed to a non-established church might be regarded as a charitable trust for the benefit of undefined persons; and again that the property of a married woman, automatically assigned in common law to her husband by the fact of marriage, might be kept for her separate use by a trustee, and that in certain cases the husband himself might be held as such trustee to use it solely for her benefit. Cf. Dicey, *Law and Opinion in England,* pp. 375 ff.; Vinogradoff, *Common Sense in the Law,* p. 230.

living law must include this double causality of practice on law and law on practice, whereby the two tend toward agreement. But in either phase of this twofold movement, and whoever is the ultimate law-maker, *the postulate holds that like cases must be treated in like manner;* and this demand impels the judicial mind to make the most of observable likeness among cases. Law thus becomes a magazine of generalizations in which future cases are assimilated to past cases, while the principles of their treatment remaining substantially constant yield a cumulative store of legal concepts.

The adjustive process is the great playground for the generalizing tendency. In the administrative process the scope of generalization is far more restricted.

19. But this contrast is too sharply drawn, and drawn not quite in the right place.

On the one hand, generalization in term-making can easily be overdone and is overdone. The likeness of one case to another does not indeed logically exclude its differences; but attention to likenesses may psychologically overwhelm attention to points of individuality.[6] This danger is particularly great in the law of persons as distinct from the law of property. One bill of sale may be precisely like another bill of sale in the general character of the interests involved; but one negligence is never precisely like another negligence,[7] nor one crime like another crime of the same class-name, for the whole personal background out of which these acts or omissions come is of the essence of their

[6] And this quite apart from the misleading tendency to ascribe to a past decision a superior presumption of being right.

[7] Cf. R. Pound, *Introduction to Philosophy of Law*, p. 142.

meaning. A settlement which disposes of a living situation by merely clamping down upon it a pre-existing generality is never *just;* for justice requires that each of the growing purposes there concerned shall find its own fulfillment in the solving idea: the settlement must be *ad hoc,* their invention or their discovery, while conserving the social interest recorded in the general rule.[8] Wherever the law touches personality, treatment by rule must yield to treatment by skill; and we may add, it is tending strongly to do so at the present moment.[9]

On the other hand, there is a place for rule in the history-making side of government. Statecraft has its principles; Machiavelli's advice to his Prince differs from most political treatises in being almost exclusively occupied with them. They are certainly not intended as rigorous rules; they are counsels for him that hath an ear. For the corresponding statecraft of his own day, Kant undertook a semi-ironic formulation in three principles: *fac et excusa,*—do a thing and then find an apology for it; *si fecisti nega,*—if you have committed an outrage, deny responsibility; *divide et impera,* bring division into the camp of your

[8] Cf. M. P. Follett, *Creative Experience,* pp. 147, 156.

[9] This is especially the case in the treatment of crime, where the administrative elements are being enlarged at the expense of the judicial elements. The indeterminate sentence, the parole and probation system, the juvenile courts, the provision as in California for penalty-fixing by juries, etc., are so many efforts to individualize the treatment of offenders bringing a personal skill into the place of fixed rule. The Court of Criminal Appeal established in England by the Criminal Appeal Act of 1907 moves in the same direction. This tendency has obvious limits. To get away from rules and precedents is to introduce an element of personal discretion that easily shades into personal caprice: the abuses of formal law beget the Star Chamber, and the abuses of the Star Chamber beget a demand for formal law. But formal criminal law is never enough.

opponents, and then defeat each faction separately.[10] Or take the more personal "Maxims for statesmen and others" jotted down by a notable trainer of statesmen, Benjamin Jowett: "Never quarrel, never explain, never hate, never fret, never disappoint, never fail, never fear, never drudge, never spare, never tell, never detract,"—and a twelfth which is unfortunately illegible. All such counsels venture to be preposterous in statement, because they are addressed to men who must live by sagacity and not by pattern: but their existence implies that the administrative process is not without its own habits and practical generalizations. The difference between a Cortez and a Pizarro is in the incomparable "address" or "policy" of the former, which Pizarro with the strong natural bent to use precedents vainly tried to imitate. But something of his methods the successful statesman bequeathes to his followers. And these habits accumulate as the *public policy* and tradition of a people, side by side with its recognized law.[11] Thus, to all phases of political action, the generalizing bent of the human mind gives a cumulative effect.

20. By dint of the cumulative character of their results (and, we may add, a growingly imperative character, as generalizations gather presumptive 'rightness'), these two political processes make of the large community an *artificial environment* for each indi-

10 Zum ewigen Frieden, dritter Definitivartikel.

11 The more fluid parts of an unwritten constitution hold a middle place between the generalizations of law and of statecraft. When a Prime Minister of England is beaten in a general election, his intuition must tell him whether and when to resign. He has precedents of one sort in Disraeli (1868), Gladstone (1874), MacDonald, and of another sort in Salisbury and Baldwin.

vidual life within it. By the sum of a million increments of generalizing thought, his society becomes saturated with a self-continuing mass of judgment and practical habit, so that it has something of the regularity of the non-human environment when stabilized by clothing, shelter, heat-control, and other artifices.

Taking the world over, there is as much variety in these artificial social environments as in the physical environments under which men live; and the extraordinary versatility shown by mankind in accommodating itself to diverse physical habitats is fully matched in the case of its social super-clothing. But in any given region, the great virtue of an artificial environment is its superior dependableness; and to have achieved something of such dependableness for the social environment is the primary accomplishment of the art of politics. When we consider that there is more peril to the life and interests of any man from the pugnacity, the greed, the stupidity, or the simple indifference of his human context than from all the forces of nature, we have a rough measure of the advantage of achieving stability in this domain. Such stable or partly stable arrangements we call *states*.

21. It is no accident, then, that the notion of stability is made prominent by the word state; yet it is unfortunate that this word so strongly suggests the static. For the root *stat* in this case means not the changeless but that which is wilfully set up (*statum*).[12] The will which sets a thing up naturally intends that it shall remain standing; but if that which is set up retains its living connection with the will which made it, and which may

[12] Machiavelli is said to have been the first to make common use of the term state (*stato*) for the politically organized society.

change, its destiny will be to change with that will. The element of *conscious human art* is the essential thing in politics; and as with every living art, its products would slowly vary even if all its efforts were directed to exact self-imitation. The state is a relatively stable artificial social environment, subject to slow change as the political art adds to its cumulative store of generalizations, legal concepts, principles of settlement, and so perfects its own work.

22. If this is what we mean by the state, the processes we have been describing may be fairly taken as its essential and primary phenomena. To resume them: they are, first, the process signalized by the leader or *entrepreneur* who brings the scattered impulses of a people into the current of a common action; and second, that signalized by the arbitrator who preserves the spirit of common action in face of its persistent tendency to decline, the entropy of all cooperating groups. Both processes tend to generalize their methods; and both to assume a coercive trait. But while the arbitrator appears primarily merely in the train of the leader,—perhaps in primitive groups as the leader himself in his constantly renewed efforts to maintain the morale of his group,—his work is not less constructive than that of the leader, and may be more enduring. For his devices more certainly live after him, becoming the body of custom, the code of judicial type-sentences, the law of the state; whereas the public policy struck out by the leader retains much of the intuitive and inimitable character of personal skill, eludes precise formulation, and withal its cumulative quality, varies in effect from administration to administration. In its character as a persisting and stable en-

vironment, the state is more the work of the arbitrator than of the leader: it exists because the deliberative and self-observing power is in all normal men, because their group-life compels them to *think,* and because in spite of great natural reluctance they can all do so.

These processes, the overt phenomena of all living states, are not theories: they are the data from which all theories must start. We shall now consider four typical varieties of theory that spring from these data,—two types that are inclined to accept, if not to magnify, the ascendency of the state among social groups, and two that confront it skeptically.

CHAPTER IV

THE STATE AS PRACTICAL REASON

OUR common notions of the state hardly amount to a theory; but they have an element of mythology which is the germ of theory. What chiefly engages our daily attention about the state is its activity as history-maker; and behind this visible and continuous series of deeds we assume an invisible character, a *dramatis persona,* improvising its part from moment to moment in the tense movement of affairs.

When we undertake to picture this agent, current imagination makes no difficulty of composing an image by fusing certain human ingredients with others taken from geography. The assumed agent is single and identical over long periods of time: England of to-day builds on what England did a hundred and other hundreds of years ago and still receives credit or blame for its ancient conduct. But the people who make up a state are many, not in any obvious sense fused together, nor thinking the same thoughts, nor doing the same deeds. The figure which represents the state must have the human quality, yet cannot be identified with any of these many and passing individuals. It is, furthermore, a world-character, and its name must bring every mind to the same object. Here geography comes to aid; for, however the individuals pass, their lives are rooted for the most part in the same soil and sea. Thus the image and word which apply to the domain may as

well apply to the agent also, and *vice versa*. And as long as words serve only their pragmatic purpose as counters and signs, the nature of this mythical union of land and ghostly agent may rest in obscurity.

24. Theory begins with the effort to reach the literal facts behind this mythology. And the first result of such an effort is that the state resolves itself into those elements which the myth had fused, the land and a mass of individual persons,—governing persons and multitudes of the governed.

As for the government, "in practice, that is, when it exercises will or adopts a line of action, it is only a little group of men chosen in a very haphazard way."[1] When it acts as law-maker, "a statute is simply the expression of the individual will of the men who make it, whether they be the leading statesmen or the private members of a legislative body. Beyond that we are in the realm of fiction. In France, for example, statute is the expression of the will of 350 deputies and 200 senators who usually form the majority in the Chamber and in the Senate."[2] And when it acts in its judicial capacity, what is it but "half-a-dozen elderly men sitting on a platform behind a green or red cloth, with very probably not commanding wills or powerful physique, . . . some of them, conceivably, of very limited intelligence"?[3]

As for the governed, we refer to the multitudes necessarily as a collection, but we think of them truly only when we put out of mind all grouping, and recall one by one such unique beings as we know, various in

[1] W. G. Sumner, *What Social Classes Owe to Each Other.*

[2] L. Duguit, *Law in the Modern State,* tr. Laski, p. 70.

[3] J. C. Gray, *Nature and Sources of Law,* pp. 121 f., 84 (ed. 1921).

quality and full of diverse interests which each pursues with a heat of concern no one else fully shares. These affairs are his business, and the more zealously he is after it, the better everyone else is satisfied. "A nation or a State means, conceal it as you will, a lot of individual selves . . . and each of these selves does—or rather must—think not exclusively, but primarily of his own self"[4] (not of his own self, but of his own affairs; and as these hot affairs may as well be personal loves as personal greeds, there is no need to think of the world as a world of egoists: Dicey's admirable statement falls too much into the grooves of a Hobbesian psychology). In any event, it is a world of distinct wills-to-live, each working out the plot of an infinitely intimate drama whose threads can never be fully in any hands but his own. This subjectivity of interest is capable of infinite depth without destroying the community: for not only is it true that the more absorbing each finds his own concerns the more each, as onlooker, is captivated by all the rest, but it is also the case that whatever energy of action exists for public deeds must boil up first of all in these personal wills.

25. Yet there is some large difference between these individuals and the state, whether we take them singly or groupwise. The state is certainly not separate from them; but neither is it identical with anything that causal observation can detect in them,—many a man ready to fight for the vague and mythical image of his country would rightly hesitate if confronted with a random collection of his governors or of his fellow

[4] Dicey, *Law and Opinion in England*, 2d ed., p. lxxx. See also Graham Wallas in *Our Social Heritage*, p. 84.

citizens as a sample of what he means by the state.[5] His interest in it, elusive as it is, exceeds his interest in them; and he might well insist that some sort of *unity* and *continuance* belongs to what he means, in spite of the evident numerical distinctness of its members. The state is not simply equivalent to their visible persons, nor yet to their invisible personalities, but to some common element in them all which, having the steadiness of habit, easily falls out of the foreground of consciousness. To perceive it we must become sensible of certain pervasive modifications of the character and behavior of these individuals due to the silent pressure of state-will.

These effects may be noted in the bearing of every man toward every other in the day's transactions. Consider, for instance, the forms under which we ordinarily do business. Ancient propitiatory ceremonies in the conduct of trade were bulky: they are now reduced, among us, to a single-minded, in America rather bare-poled, devotion to subject-matter. This reduction is possible because each man sees in the other an embodiment of certain powers and duties inseparable from his person. If A oversteps, B can remonstrate with a force not derived from his personal prowess but from the logic of the case. If B makes a promise and A fulfills the condition, the probability that B will carry out the agreement is not due solely to his personal integrity. In short, our neighbor has both powers and liabilities not numbered among the attributes of John Doe, the organic individual: he is inserted in something as a tree is inserted in the earth, and his reliability and his resistance to upheaval are as much those of the soil he is rooted in as his own. The habit of dealing

[5] Cf. J. C. Gray, *Nature and Sources of Law*, p. 69.

with him and with that soil in one mental act, like the habit of paying for goods and the tariff on them in one payment, conceals from me the sense that I am in fact dealing with 'the law'; and where the law is, there is the state.

Law appears to come to life in the actual adjustive processes of legislatures and courts, but its chief existence is in sub-conscious form, in the habits of the people. When the era of law-making arrives, all custom must indeed pass under conscious review and be stamped with approval, rejection, or change: but the success of the law is measured by its ability to turn these thought-changed customs, the accumulated generalizations of the term-making process, back into the region of habit as established conditions of living. It is said that the effect of the criminal law should be estimated not by crimes punished so much as by the far greater number of crimes prevented; but this estimate is still too small. For a crime is not prevented unless it is first contemplated; and the greatest effect of criminal law is in *displacing the contemplation* by training the planning energy of the community into the non-criminal alternatives.

Thus if one looks for the state among governed individuals, he must find it—if a thing is where it works—in a common development or extension of certain of their powers, which appears to be due to their connection with some force or influence not themselves: the state is not merely those separate individuals.

26. Likewise, when we consider the governors as the authors of state-action, we cannot identify the state-agent with their persons.

Deeds of state show plainly enough no doubt the

character or lack of character of these individuals; in mathematical language these deeds are *functions* of their personalities. When we learn that Italy has issued an ultimatum to Greece or that Russia has mobilized an annual contingent, we recognize that the idiosyncracies of a Mussolini or of a Trotzky are in play. But these personal factors play within a network of forces which these men have not created, which extends far beyond their personal reach, and which prescribes what effect their decisions can have. The streams of business that flow through public offices have their own momentum, guided by an impersonal system of state which the individual administrator may be powerless to alter. Neither the executive nor the legislator nor the judge can give full effect to his personal views: "those six men seek the rules which they follow not in their own whims, but they derive them from sources often of the most general and permanent kind."[6]

The personal equation of the officer of state does frequently deflect state action from its path and still more frequently lower its level. Hence, quite apart from political protest, political pride and vanity are commonly painfully desirous that no one should identify America, England, etc., with any one of its administrations. It is inevitable to make the distinction. For not only does the state continue through all changes of administration, but these governing persons are also subject to the commands of the state: as citizens they receive and obey the law which as officers they have made. The state as agent is therefore not to be identified with their persons but with the official characters which they temporarily assume, and these official characters

[6] J. C. Gray, *Nature and Sources of Law*, pp. 84 f.

emerge from a common background of tradition, the accumulated result of the history-making generalizations which bears upon them as if it were a distinct and over-individual being. *It* acts through them; they are bound to make themselves *its* carriers and representatives; and this more ultimate agent is the state.

Whether this ultimate agent is in fact a superperson distinct from every visible individual while having the entire community as its bodily organism we shall enquire later on. We are saved the necessity of that speculation at present by one important peculiarity of the state which distinguishes it from most organisms. In the animal body, the head controls the members, but it can hardly be said to converse with them. In the state, not only does the head speak to the members as one person to another, but the members likewise address the head: more than this, it seems at times as if they set up this head, endowed it with the gift of speech, instructed and even educated it. Under these circumstances, however, the state may be something else than its individual members, it cannot float off in metaphysical abstraction from the minds which are so active in its begetting; and we are justified in continuing our search for it by way of its relation to them. If it is different from all of them, addressing them all as if it were an external being, that very relation of externality should offer a clue to its locus and nature. Let us examine it.

27. The official who issues a command says in effect, "Not I, but the state, commands you." The one to whom the command is addressed is expected to make the same distinction. The state is *thought of* by each as distinct from any object then and there seen. The ex-

ternality, then, is a *thought* externality, i.e., the command hails from a place which each has reserved, so to speak, in his thoughts. But so far as this 'external' state is thus harbored as a mental intention or meaning, it may well be not a fact originally external to these minds, but rather an *idea externalized* by common consent.

Externalizing an idea is not an unheard of, nor even an uncommon, process. A man's conscience is often spoken of and felt as an outer monitor; yet it is *his* conscience or none at all. His credit, as a fact in his mind and in other minds, may place peremptory requirements upon his action. Wherever prudence or repute or other standard makes a demand toward which there is some inner reluctance, externalizing the demand, i.e., representing it as hailing from some outer source, is a natural way of symbolizing its element of alienness; and whenever outer expectancy is greater than inner wish, externalization is natural for the same reason.

The mental fact upon which these externalizations rest is that my wish at any moment is no single-voiced affair: the wind next the earth commonly blows in a different direction than the wind that carries the clouds. There is a course, let us say, which *reason,* or the best available reason, would recommend in my conduct: this most reasonable course I can never be wholly indifferent or hostile to, and yet I am seldom undividedly for it. The wisest conduct is not what I fully wish (Plato notwithstanding); it is what *I wish I might wish.* Pure wisdom remains, not an external voice, but a voice which I externalize without disclaiming: it is my own in one respect while not mine in another.

Now assume that there is a large degree of identity in what the various members of a community regard as the standard of wise behavior; and assume further, what is humanly likely, that each one is disposed to remind every other of that standard: clearly my own tendency to externalize it will be strongly aided by a concrete association with external sources,—that standard will be thought of as *what my neighbor is always advising me*. And if, by whatever circumstance, some figure or agency should win general attention as a particularly reliable mouthpiece of these requirements, these scattered external references would be brought to convergence upon him or it. The standard in question, without ceasing to be what each one requires of himself, will be thought of as what that agency requires of everybody: each one would find his own reason represented to him in the form of that outer authority. Thus, by the silent conspiring of the members of the group, this figure or agency would become an agent or officer of the common reason of all.

It is evident that in some respects, i.e., in so far as it is a wise law-giver, the state fills precisely this rôle: it takes the side of the reasonable but as yet weaker motive in me: it stands for the difference at any time between my inclination and my complete will. It is not an external but an externalized source of command. As conserving the modes of settlement reached by the judicial process, the state holds the inherited judgment of the community, i.e., its reason and conscience in the field of decision which it covers. It assumes, indeed, that there is an approach to unanimity in this judgment, but it limits its recommendations to the least disputable maxims of behavior; and we may fairly remind ourselves that there is always more unanimity in what

men recommend than in what they do. The whole sense and function of *recommendation* in human life lies in its outpassing behavior; and government as law-giver might be described as the systematic exploitation of this function, whereby every man is disposed to recommend to others that good which he is less than completely inclined to follow for himself. Through the state, as through a wide circuit, my own moral will comes back to me. But it comes with the added impressiveness which the concurrence of many minds and the ancient wont of the community lend to it. My reason gathers weight by wandering abroad, it returns with the *kudos* of the traveler; and the state, taking advantage of these fortunate increments of power, becomes the device whereby society lifts itself, as it were by its own bootstraps, in the direction of its own better judgment.

28. These considerations provide the basis for a possible theory of the state; they suggest the hypothesis that the state, as a mysterious and apparently external agent, consists in reality of the wills of its members, i.e., their best or most reasonable wills, so far as they have common standards. If we take the terms *reason* and *conscience* as applying to action rather than to theoretical contemplation, that is as elements of the reflective and self-conscious will, the state might be defined, on this view, as *the common reason and conscience of its members.*

On this hypothesis, the externality of the state to all its members is understood; for they have concurred in accepting an outer agency as the mouthpiece of their own standards. But by the same sign, this externality

is not absolute. Even those inherited elements of law, the cumulative result of the judicial and administrative processes of the past, do not come as alien facts to present citizens: for they are received not because of their historical momentum, but because they have in them the presumptive wisdom of experience, which contemporary wisdom can recognize and *select.*

Again, on this hypothesis, the unyielding character of the state is understood. The unyieldingness of the state is no arbitrary fact of government: it is the inherent unyieldingness of the wisest course, which remains the wisest in spite of all we may wish to the contrary. It remains as unyielding to the governors as to the governed: they cannot do what they will with it, for they cannot make a venal or foolish course an honest and wise one, nor can they make a wise one foolish; and while their sophists may, in debatable cases, strive to make the worse appear the better reason, they cannot refuse to voice what every member knows to be reason, whenever that clear knowledge exists, and as far as it extends. The government must profess itself the spokesman of this common reason: what actually commands in the state—and that is the state itself—is *Judgment,* defined as the best available reason and conscience in the common will.

This theory gives, further, an account of one's relation to the state which seems instructive. The state is evidently something more than that 'artificial environment' of which we were speaking; for I cannot be said to belong to my environment, whereas I belong to my state. The relation of *belonging* implies that part of my actual life is carried on in the life of the thing to which I belong. If it is true that what I would will for myself, that the state wills for me, so that my life be-

comes to that extent vicarious, the relation of belonging would exist in this case.

For the same reason my connection with the state would hardly be describable in terms of a *contract,* with a *quid pro quo* in the background, while the two parties to the contract stand to each other mutually complete and independent. It is rather that of a *tacit conspiracy* with my neighbors, in adopting with them a particular source of issuance for demands which in any case would be abundantly pressed upon each by all the rest. My own reason, siding with their voices, is already externalized in them; the state collects these external references and frees them from distraction.

29. This theory, that the state is an arrangement whereby every man's better judgment becomes his external ruler, has haunted political philosophy throughout its course, without being expressed anywhere in the form we have here chosen in order to make connection with verifiable experience.

Its roots are ancient. One of them is visible in the notion common to most early states that the social order was set up by the gods. For while this alleged supernatural origin confirmed the seat of the ruler, and so enhanced his authority, it removed at the same time the fundamental law from his caprice, and created the presumption that this law possessed an inherently rational fitness to the condition of its subjects.

In this theological form, the source of law is indeed still external, and the reason that is in it is not man's reason. But to be thought of as a reason in which man at least shares wanted only the thought of the Stoics, who, adopting the suggestion of Anaxagoras that *nous,* the rational principle, is common to gods and men,

taught that it is *nous* which brings men together in society,[7] while the work of the lawgiver is merely that of promulgating a rational order whose sources are in this divine nature shared by man.[8]

The clearest expressions of this theory are to be found in the modern philosophical tradition called idealistic.[9] And for its boldest statement, one must still look to Hegel, though Hegel's words are burdened with the conceptions of his metaphysical system. The state, he declares, "is the realization in history of the *ethical idea;* it is the ethical spirit itself, or what is the same thing, the substantial will, achieving explicit knowledge of its own meaning; . . . it is incarnate Reasonableness, aware of itself."[10] Hegel does not here pic-

[7] Seneca, *Epistolæ,* pp. 52, 95; Zeller, *Stoiker* (1880), pp. 285 f.

[8] Cf. Plutarch, *De Stoicorum repugnantiis,* ix. The idea is strikingly similar to that of Aquinas, who defines law as "a regulation of reason for the common good, promulgated by him who has the care of the community": Definitio legis . . . nihil est aliud quam 'quædam rationis ordinatio ad bonum commune, et ab eo qui curam communitatis habet, promulgata.' *Summa Theol.,* I-II, 90, iv.

[9] These writers, for the most part, prefer the term *will* to the term *reason* for describing the stuff of which the state consists; but they make clear that it is the reasonable will they have in mind, and Kant calls it the practical reason. When T. H. Green says that "Will, not force, is the basis of the state" (*Principles of Political Obligation,* G.), he means certainly not the arbitrary will of the conqueror, or of a majority, but the will that is in every member of the state. And Bosanquet makes it clear that he means the considerate rather than the impulsive will by calling it the "real will," and identifying it with the General Will of Rousseau which he interprets as "the ineradicable impulse of an intelligent being to a good extending beyond itself, in as far as that good takes the form of a common good" (*Philosophical Theory of the State,* p. 109). The state is this common rational impulse given external form.

[10] The context is always so much a part of the meaning of Hegel's words that a literal translation falsifies them; but one who deviates from the letter as I have done owes it to the reader to give the original. "Der Staat ist die Wirklichkeit der sittlichen Idee,—der sittliche Geist, als

ture the ethical idea, or the reason, which is the essence of the state, as being the conscience and reason of its members; he speaks as if Reason needed neither gods nor men to make its way in the world. I think his language in this respect hardly represents his doctrine; but certainly Kant was more concerned to save the liberty of subjects by insisting that the reason that is in the law is the subject's own, so that in obeying the state he obeys himself.[11] It is all the more noteworthy that Kant assigns to the fundamental law of the state a holy and inviolable character like that conferred on it by the theological theory, because he conceives that the rational principle in ourselves has precisely this unbribable and inexorable quality.[12] In the rigor of the state, we find only the rigor of our own consciences externalized.

30. We have nothing to do, at present, with the metaphysical context in which the theory before us has commonly been set. The doctrine that "the state is externalized reason" is not for us a metaphysical theory, but an hypothesis suggested by the facts of common experience through which we have deliberately chosen to approach it. Judging it as such an hypothesis, it is evidently not satisfactory as it stands: it is neither sufficient nor entirely accurate.

der *offenbare,* sich selbst deutliche, substantielle Wille . . . Der Staat ist als die Wirklichkeit des substantiellen *Willens* . . . das an und für sich Vernünftige." *Phil. des Rechts,* §§ 257, 258.

[11] *Rechtslehre,* 1797, § 47. "Der Mensch . . . hat die wilde gesetzlose Freiheit gänzlich verlassen um seine Freiheit überhaupt in einer gesetzlichen Abhängigkeit . . . unvermindert wieder zu finden, weil diese Abhängigkeit aus seinem eigenen gesetzgebenden Willen entspringt." The "unvermindert" emphasis is due to Rousseau.

[12] Ibid., § 49 A.

In the first place, the state does not embody the whole of the reason or conscience of its members. There are innumerable choices, the most signal and difficult as well as multitudes of the most trivial, in which every individual is left to his own solitary judgment.

Secondly, the state is not the only group embodying reason and conscience. The religious group and indeed every social group has some share in voicing its members' common judgment. Since every neighbor, by the fact of his position as my external critic, serves to externalize something of my conscience, any group of neighbors will inevitably condense and unify some of this dispersed reason.

Thirdly, the state incorporates much that is neither reason nor conscience. On this last count, reserving the others for the present, some comment is necessary.

31. To say that the state is reason seems to be a wilful ignoring of the unreason that mixes in all state action. It offends that realistic trait in us which objects on moral as well as scientific grounds to confusing what ought to be with what is. Perhaps the state ought to be reason and conscience; but in fact it shows in its action all the qualities of finite human nature for better and for worse. Monarchies enhance both the better and the worse; democracies weaken both, curbing the better and driving the worse to forms less violent, more sinister and corrupt.

Even if we could assume an invincible good will in every statesman, he must still operate with people as he finds them. Every political problem becomes a problem of personnel; the best ideas must filter through the perverse textures of those who execute them. Human

nature is the whole medium of political action, and since its facts are the hardest facts with which men have to deal they make intelligible the remark of a great historian, Most successful public men deprecate . . . 'much weak sensibility of conscience.'[13]

At no point in political theory can we afford to neglect the realistic comment. Its effect in the present argument, however, is simply to sharpen the statement of the theory. The reason that is in the state cannot exclude unreason; on the other hand the unreason that is there cannot obliterate the elements of reason. There is no confusion of what ought to be with what is; for after all, *reason is there.* And, by however slight increments, reason gets built into the permanent structure of the state. The political deception, the diplomatic trick, are always in the order of the day; but with this peculiarity, that they cannot successfully generalize themselves: they evoke imitation, but they are destined to be eliminated from the cumulative stock of the community as they reach publicity. Through the clash and mortality of whatever is vicious or devious in the agenda of the day, reason selects her own and preserves it. And until we find a race of politicians who not only fall into unreason but make a public profession of it and remain in control, we are justified in assuming that the relation of that unreason to the state is something less than essential.

It is evident that the realistic critic has his eye chiefly on the state as history maker, where the formulation of principle is precarious. The reason-theorist has his eye on the state as adjuster and term-maker; and he is thinking, further, less of the enormous vol-

[13] Acton, *History of Freedom,* p. 219, taking the phrase from Sir Henry Taylor.

ume of new-minted legislation than of the deep and massive power of the common law.

32. But the state, we might pursue, includes both processes, and even within the common law there seems to be much that is not simply describable as reason. If we admit the argument of the preceding paragraph, that evil cannot be made a principle, there still remains much in the state which appears to be *mere fact.*

The first trail across a mountain need not be the best path, but it is followed because it is a trail and better than none; so customs and laws bear the marks of early accidents, and these non-rational elements are perpetuated and treasured as giving an individual character to a code. Further, the law adjusts itself to men's limited powers of pursuing thought, or sustaining the argument of justice. A debt does not in reason cease to be a debt because time has passed, but the law sets up a limitation. A trespass does not cease in reason to be a trespass because it is indefinitely repeated, yet the law shows a tendency to admit an unresisted trespass in time to the status of right. Time, distance, and chance are indifferent to pure reason; but they play their part in the legal order. And responsibility itself hardly follows the lines of a rationally studied causality.[14]

In brief, law as we find it bears the *factual* rather than the rational character: it is the rule which as a matter of history is, and has been, in force in a given community: it is "positive." It would be impossible to deduce any actual code from principles of pure reason or justice: the very circumstances to which these prin-

[14] Kohler, J., *Philosophy of Law,* tr., ch. ii, pp. 28 f.

ciples apply must be found in the concrete details of community life. Nor is it in evident accord with realities to speak of applying principles, as if principles preëxisted. The generalizing process begins with particular issues of which it makes a class; it rises with hesitation to a degree of generality which leaps over into cases of another category: hence the maxims which apply in one field, as the law of property, may be logically inconsistent with maxims which apply in another field, as the law of persons. Thus, it would be neater if the rules applying to commodities would also apply to wages; but the wage-interest resists the assimilation. Is not rationality an unfulfilled aspiration of the legal codifier rather than the substance of the law as it is?

The reason-theorists have not, as a rule, been oblivious of the positive character of law;[15] it cannot be wholly incompatible with their view. But it deserves to be considered on its own merits, and in connection with the most thoroughly positive aspect of the state, its use of physical force.

[15] Cf., for example, the extended discussion in Hegel, *Phil. des Rechts*, Einleitung, § 3; Aquinas on the *lex humana*, *Summa Theol.*, I-II, 94 f.; etc.

CHAPTER V

THE STATE AS FORCE

THE most conspicuous peculiarity of the state among social groups is its use of physical force. This force is directed both outward and inward,—outward as protagonist of the whole community, toward enemy states; inward, toward the members of the community themselves.

Ostensibly, when its force is turned inward it is aimed only at the inner enemy, as criminal or rebel. But the presence of potential force alters the character of every utterance of the state to every member, as much when he agrees with the state's will as when he dissents. If it urges reason upon him, it is not (as a rule) by way of advice but of command. Its pressure takes the form of a promise of punishment in case of disobedience; and this prospect, made known to all citizens alike, becomes an active factor in the conduct of all citizens. Hence, in whatever language clothed, and whether as general requirements of law or as particular orders, injunctions, subpoenas, sentences, tax-levies, conscriptions, commands of officers, its addresses to its members convey a well-understood necessity,—a necessity which resembles the necessity of inevitable physical fact rather than the necessity of reason and conscience.[1]

[1] For the moral law can be disobeyed, and commonly is disobeyed; while physical law, in the nature of the case, never is disobeyed. The law of the state aspires, indeed, to be like both the one and the other,—

If this use of force by the state be taken as its most fundamental attribute, as it certainly is its most salient point of difference, a theory of the state results which stands in striking contrast to the reason-theory we have just considered. Let us first be clear about the facts.

i. *The near-monopoly of force*

34. The state is certainly not the only group that impresses its will by holding punishment or other sanction over its members. The church has threats which have been more terrible to believers. All social belonging exposes members to penalty through the disfavor of the group. It is merely the peculiar form of the penalty that distinguishes the state,—the physical language which marks the cessation of argument and appeal, which is ultimate because silent.

And in strictness, the monopoly of force is something which the state approaches rather than enjoys. Family and school use a degree of physical control over minors in their charge; guardians of the incompetent do likewise: they do this with the consent of the state. And without its consent, intimidation and violence by men and groups, Klans, Fascisti, etc., who find the will of the state too slow or too scrupulous, is neither unknown nor uncommon.

Further, the present near-monopoly of force in the state is but recent. The large powers of the ancient

an appeal to free wills, and at the same time a general description of what men actually do because they are restrained from deviating. It achieves this union of opposites by making its physical duress *prospective* rather than actual. It applies no coercion to our limbs until we have disobeyed. Thus it leaves its members physically free, but loads the alternatives of their choices so that a quasi-physical conformity reigns in that part of their behavior which the state cognizes.

Roman *pater familias* are well known. Some of these powers were reviewed and removed in Roman times. But the presumably legitimate physical control of husbands over wives has remained in Europe until well into the last century. Likewise with the church. "The mediæval church was a state. . . . It has laws, lawgivers, law courts, lawyers. It uses physical force to compel men to obey its laws. It keeps prisons. In the thirteenth century, though with squeamish phrases, it pronounces sentence of death."[2] So with many another group within the mediæval and early modern state. In the England of Henry VII and Henry VIII it occurs to nobody to repress domestic turbulence by disarming the numerous private forces scattered throughout the realm, but only to increase the power of the king's Star Chamber,—a measure "marvelous necessary to repress the insolency of the noblemen and gentlemen of the north parts of England, who being far from the King and the seat of justice made almost as it were an ordinary war among themselves, and made their force their law, banding themselves with their tenants and servants to do or revenge injury one against another as they listed."[3] And what of that right of the citizens to bear arms, which has its sacred place in our Federal Constitution and in the constitution of many of the states, as one of the rights of man,—though the exercise of that right to-day amounts almost to a felony?[4]

The present situation, then, is a relatively new one and can claim no credence on the ground of antiquity

[2] Maitland, F. W., *Roman Canon Law in the Church of England*, p. 100.

[3] Sir Thomas Smith, quoted by Pollock, *Expansion of the Common Law*, pp. 82 f.

[4] Cf. James Wilson, *Lectures on the Law.*

or universal practice. On the surface of history the claim of monopoly of force for the state appears to have been made by the state, and to have been secured gradually by the use of such force as it already possessed. Preponderant force seems to have made itself exclusive force.

35. Yet if anything is more remarkable than this monopoly, it is the comparative absence of concern excited by it.

Though the individual is more completely at the mercy of the state than ever before, his situation is not hopeless if he cared to alter it. The state is never irresistible. In spite of the enormous advantage of position which the state now holds, means can always be found to arm a sufficiently determined rebellion. It is not by any resignation of despair that the state holds its physical control; at the worst, it is by acquiescence.

For note that it is not in the days of despotism, it is in the days of presumptive liberty that the surrender of force to the state has become most complete. The typical 'absolutisms' of mediæval and post-mediæval Europe had their competing internal forces to reckon with,—armed clergy, armed retainers, armed orders, armed guilds, armed municipalities, etc. As individuals and associations have won their freedom, they have freely relinquished to the state the means of defending that liberty. They remain free to criticize the state; but apparently they no longer care to intimidate it. They have made it free to change its mind on no compulsion but that of its own better judgment.

36. In fact, acquiescence is too passive a word. Force is what the state is *expected to have and to use:*

unless it makes good its physical supremacy, it is generally held to have failed in its essential business. With regard to menace from outside, this is a truism; but it is by no means a truism that capacity to protect the community from its external enemies argues a capacity to judge, to legislate, and to direct the community, still less a right to enforce such judgments. That these capacities, though in different heads, belong together in the state has become the common sense of political mankind.

And political theory records the progress of this sentiment. When Pierre du Bois urged that all temporal responsibilities should be taken from the Pope and "handed over forever to definite and suitable defenders," on the ground that the Pope in the nature of the case was physically unable to maintain the internal peace of Christendom, he used an argument which Western political judgment has inclined to confirm.[5] And William of Occam but gives it a more modern form when he says that the right good will to put down insubordination, and effective vigilance in doing so, are the chief defining marks of the state.

[5] The argument is the more pointed because Du Bois is ready to concede the historical legitimacy of the temporal rule of the Pope. "Licet papa in regno Sicilie, Urbe romana . . . aliisque terris quas habuit ex donatione primi catholici imperatoris Constantini omnia jura imperalia deberet habere et gaudere de illis pleno jure, tamen propter maliciam et calidatem et fraudem hujusmodi locorum gaudere nunquam potuit nec potest super hiis pleno jure." *De abreviatione,* fol. 7; Langlois, *Collection de textes,* p. 33 n.

Renan fairly reproduces the tenor of the plea as follows: "Par la raison qu'il n'est point guerrier (et il ne doit pas l'être), des révoltes nombreuses ont éclaté, nombre de princes avec leur adhérents ont été condamné par l'Église, et il est mort une infinité de personnes dont les âmes sont probablement descendus dans l'enfer." *Études sur la politique religieuse du règne de Philippe le Bel,* p. 292.

The argument of Du Bois does not allege that might makes right; it is the very different argument that *weakness implies rightlessness.* It is not (necessarily) that all strong governments are legitimate, but that all legitimate governments are strong.[6]

This, we say, has become the general conviction of mankind in our part of the world. But it is a conviction which can hardly serve as a political axiom,—it lacks something of being either unanimous or self-evident. For wherever force enters into human relationships, the peculiar human quality is at an end. Some further explanation is needed.

ii. *The reason-theorist's explanation*

37. I have said that when force is used, human relations in their distinctive character are at an end. To use force on a person is *ipso facto* to cease the effort to move him by his reason. It would seem to be especially embarrassing for anyone who held that the essence of the state is reason—and our own reason, at

[6] It would be hard to find anyone since Plato's Thrasymachus who seriously held in its full simplicity the doctrine that might makes right. But as an absurdity may live a long life through its corollaries, it is well to have the refutation explicitly made. The classical *reductio ad absurdum* amounts to this: that if right depended on strength, it would vanish as strength vanished. It would always be right for the weaker, if he could make himself stronger, to overthrow his ruler; and the word 'right,' merely recording the momentary fact of superior strength, would have no distinctive meaning of its own.

This argument was stated by Rousseau (*Social Contract,* I, 3), and before him by a contributor to the *Encyclopædie,* under the head of *Droit du plus fort,* in almost the same words. "If it is necessary to obey because of force, there is no need to obey because of duty; and if one is not forced to obey, there is no obligation to obey. The word 'right' then adds nothing and signifies nothing."

that—to explain the attitude of force which the state holds toward all its members.

Yet the reason-theorist of our previous chapter has an explanation, and not merely an explanation, a proof that the state must use force! Its purport is this: Force is indeed the negation of rational human relationship; but it is not the state which does the negating. There are always an undefined number in any society who reject reason and betake themselves to force or are ready to do so: they have already severed human relationships. The force of the state exists simply *to neutralize their force,* thus leaving the rest of society in its natural and human relationship. In brief, the force of the state exists, as Kant puts it, to "hinder the hindrances" to free and rational human action. Thus force becomes a necessary adjunct of reason: as we demand reason, we must employ force.

This argument is both intrinsically and historically important.[7] It deserves a more detailed and accurate statement. Let me undertake such a statement in my own way in the following section.

38. Social conflict, which we have always with us, tends when left to itself to take the form of a clash of private forces. The politician, as we first met him, is the man who assumes that conflict can always be sublimated into the form of debate, eventuating in a rational understanding or settlement. To persist in conflict, from this point of view, is a sign of a deficiency

[7] For Kant's argument, see *Rechtslehre,* 1797, Einleitung, B-E, and § 44. Kant regards his argument as a strict demonstration, "*nach dem Satze des Widerspruchs.*" It proceeds by first defining what "right" means; and then showing that the use of force by the state conforms to that definition.

of reason, or of belief in reason, on one side or on both. And any course of conduct which tends, in principle, to perpetuate conflict is unreasonable, or wrong.

Then clearly the natural man who simply asserts his own will without regard to others is wrong; for his principle is the very root of conflict. But such men exist on all sides and must be dealt with; and the difficulty is to find a method of dealing with them which is not also wrong.

a. Answering aggression by counter aggression is obviously wrong; it simply constitutes the other half of the composite fact of conflict.

b. But doing nothing, or yielding to the aggression, is likewise wrong; for it encourages the continuance of aggression. Turning the other cheek may, in special cases, be a reasonable procedure: it is such if it brings the aggressor to another state of mind.[8] *But mere yielding is always wrong.*[9]

c. Suppose, then, as a third alternative, that the aggressor is met, not by a counter aggression, but by a force destined solely to check his aggression and establish a fair settlement. This would be a use of force

[8] The place of non-assertion in politics is to be further discussed. But reference may here be made to the ethical aspect of the question as discussed in my book, *Human Nature and its Remaking,* ch. xli, § ii.

[9] This is one point on which the present argument differs from Kant's. Kant's view is based on the principle that any rule which "makes the freedom of each compatible with the like freedom of all" is *ipso facto* right. This principle seems to me unsound for the reason that it does not clearly exclude the rule of yielding to aggression. If everybody adopted the rule of keeping out of the way of the swashbuckler, or of giving away whatever another desires, his use of freedom would be formally compatible with the like freedom of everybody else; yet no one would call it right. And there are many rules of conduct which tend to reduce immediate conflict, through compromise, etc., which comply with Kant's requirement; and yet, as they contain an element of yielding, they are incompletely reasonable,—they are partly wrong.

to end force-using, a use of force in the interest of reason itself; it would appear to escape criticism.

But not completely. For on this principle *anyone* would be justified in using force against the force user; and all privately enforced right, knight-errantry, etc., carries with it the seed of further discord. One who undertakes to enforce right needs to be certain what *is* right: he commonly assumes that there is one and only one reasonable solution, and that he knows what it is. Both assumptions are liable to error. And if he were right, he has not yet persuaded his opponent of the fact. Hence *the man who insists on his own view, even if that view is reasonable,* does, in general, promote conflict and *is therefore wrong.*

d. Everyone is in the wrong who fails to act so as to make clashes of private judgment about right impossible. The condition of unmediated private judgment is an intrinsically wrong condition. To get out of this condition by setting up a public authority becomes *a necessary condition of any right solution.* This public authority may then use force to cancel force, and to insist on the method of arbitration, as in c.

And anyone who declines to concur in the effort to set up such a public force-using authority joins the enemies of reasonable solutions as much as if he had used force against it. Hence the judgments of the public authority must be enforced upon him also, i.e., the dissenter may reasonably be forced to participate in the force-using state.

In sum, define what you mean by right or reasonable conduct, or, still better, define what you mean by wrong conduct,[10] and you must then admit that the use

[10] It seems to me more cogent to make the argument turn upon the definition of wrong than upon the definition of right, and at the same

of force by the state to maintain reason is not wrong, but is reasonable and so far justified.

39. Assume for the present that the foregoing argument is valid as far as it goes; it must still be cryingly apparent that it falls far short of justifying the actual situation.

For it confines itself to justifying the enforcement of law: it makes no attempt to justify the enforcement of participation in war or in the works of peace. It justifies a coercive judicial process; but not a coercive administrative process. Yet clearly the state enforces with even hand both aspects of its activity: it collects taxes with the same rigor whether the object in view be the maintenance of justice or whether it be the maintenance of public services. From the beginning, the state has been inclined to compel *coöperation,* and not rectitude alone.[11]

time more in accord with common judgment, since the intuition of wrong is, in general, sharper and more available than the sense of right.

Arguments of this general type have become the common property of the idealistic tradition in political philosophy. Kant's argument is taken over bodily by Hegel (*Philosophie des Rechts,* §§ 92, 93, etc.) with only this change, that the violence of the hinderer of right is self-destructive, since it is a use of freedom to impair freedom. One who hinders the hinderer, therefore, is not alone preventing the frustration of general right, he is preventing the hinderer's self-destruction, and is acting in the interest of the hinderer himself. And if the offence has already been committed, its punishment is still, in its significance, the negation of his negation of freedom.

[11] The Hegelians are ready to sustain the state in a wider sphere of force-using than are the Kantians. But they bring forth no proof of their position "nach dem Satze des Widerspruchs." Kohler, for example, says dogmatically that "the state remains the representative of culture, to whose will the individual must necessarily bow"; and if he resists, this resistance must be opposed "to force home the knowledge that ideals rule in culture which no nation can permit to be crippled." *Philosophy of Law,* tr., p. 209.

We cannot, of course, assume that the state is right in this. It may turn out that the only thing which can justly be enforced is justice. But it is equally clear that our ordinary attitude of consent to the state's force draws no such limit. It pays taxes for education or for road building with as good grace as for courts and prisons or the upkeep of the parliamentary windmill. The public use of force has deeper roots in consciousness than the reason-theorists have succeeded in tracing; let us consider what they are.

iii. *The psychology of consent to force*

40. One of these roots, I believe, is a rather elemental conviction that *force must, in any case, reside somewhere in society.*

If the age-long experience of the race has anything to do with the dispositions we inherit to-day, such a conviction could readily be understood. But we need not go farther afield for it than the common self-knowledge of mankind, which takes as a given fact that the mind has a body, and therewith that the muscles are an integral part of the will. It may be that nature meant us to use this bodily force solely on physical things: but from using it on things to using it on the bodies of other persons is a simple transition which everybody at some time or other makes, and also experiences. As we know ourselves, we know our neighbors as sources of potential aggression.

And if individuals are prone to this use of force, groups are still more so. For where several are caught in a common commotive impulse, the accord of wills is felt to confer a presumption of validity on the cause: it has already become a public purpose. And since the

group lacks that physical connectedness which makes it impossible for an individual *not* to act as a unity, it requires some substitute, and finds it to hand in its physical superiority. The coercive temper of the commotive process we have already noted; and we now add that it naturally resorts to the physical arm, and not to the social frown alone. In remote regions it goes hard with him who declines to lend a hand in setting up a bridge or in putting out a fire. The history of clandestine intimidation in labor controversies, race conflicts, religious struggles, and all manner of social efforts, has yet to be written; but it need not be written to be understood. The commotive impulse in its intenser forms of mob and class passion still resists the state's best efforts to maintain monopoly of force-using; and the social *entourage* remains a region from which demands backed by the concrete will, the mind-and-body will, are always tending to emerge.

Given this universal will-to-compel, and it is clear that at no time have men been in the position of choosing between the force of the state and no force at all. The more radical question how any force can be justified has been submerged in the more actual question, *which of several potentially force-brandishing groups we prefer to have dominant.*

32. This actual question receives in simple forms of society a natural answer. There are two assertions of will in the world that demand neither apology nor explanation, and hardly admit of any, namely, *my* will and *our* will; and there are conditions of human group life in which these two are not strongly distinguished. It is usually regarded as part of the social instinct of

man to fall in easily with proposed common action in one's own group. To follow the leader is a trait men share with many animal groups; but it is more notable in mankind, because there is more occasion for action on ideas than for action on instincts. This capacity to accept suggestion carries with it a disposition to take as well as to use the pressures which make the will effective. So long as any group is visibly *my group,* its commotive impulses are mine: its will and force are, if not mine, still *for me.* I can regard its will as *my will externalized.*

And there is never any acquiescence in force-using unless the group using force can be regarded in this light. The mechanical clash of force-using groups has no inherent tendency to develop a stable strongest group; it tends rather to that hardest of all conditions for human life, the protracted and uncertain struggle among competing claimants for dominance which we weakly call 'disorder.' Stability is never reached except about the thread of some purpose which is durable and presents something like the primitive appeal for common assent. When chiefs and warriors operate on their own initiative, their fortunes in securing followers are incalculably variable: the forces of Cortez will multiply as he goes, while those of LaSalle will dwindle; Napoleon I can reassemble his armies out of defeat and exile, while Napoleon III at the touch of defeat becomes a nonentity. But the arbitrator and the judge have, to the common eye, some permanent access to the will of the gods. And if the chieftain can make common cause with them he can share their prestige. The tacit conspiracy to accept the one as source of law carries with it a tacit conspiracy to accept the other as source of command: the chief commotive agency

merges with the chief adjustive agency, and we have the military state.

But in each case, what we have is *a tacit conspiracy, not a contract.* Obedience is not rendered to the state as an equivalent for benefits to be conferred by the state: it is given as something not quite our own to withhold, but only to transfer. We prefer the state should hold it. The mental act is one of participating with others in a selection among alternative sources of coercion,—a selection which history has already, not quite irrevocably, predetermined.

41. In all this there is no justification of the use of force, because there is no questioning of it. We contest any force used upon us by an alien will; we fall in with any force that is 'ours': force *per se* is an elemental fact of nature, and of human nature. We do not quarrel with the nature of things.

If we take this strand of our psychology as a clue to the theory of public force, it would stand in strong contrast to the theory of the Kantians. Force *per se* does not need to be justified: it is. Human force is the manifestation of will: its rôle in the world is to make facts, to establish and alter statuses; and facts are prior to reason, giving reason the materials with which it has to work. The will of man is a fact-making organ; and reason, included within it, is its instrument and servant. In the individual, impulse is first and reflection afterward. In the group likewise: commotive impulse, the expression of will, must be first, and adjustive processes afterward. Evidently there must be coöperation before its difficulties are discovered; there must be solidarity before there is a demand for that term-making which conserves it. But solidarity is the

work of a commotive impulse; and that tacit conspiracy which lights upon a determinate source for law-making is itself a commotive process. Will must be first in social structures; and will is its own justification.

The state, accordingly, is first of all *will;* and as will, it is also force: it is to be defined by the factual possession of supreme public power. It is not the issuance of law that makes the state the state; it is the force of the state that makes the law the law. Without this supremacy of power, law lacks the imperativeness without which it is not genuinely law.

In this conception, reason and right are not ignored: all will contains an element of reason. Nor is it necessarily assumed that whatever supreme power commands is therefore right and reasonable: reason may keep its own character, but it must accept the subordinate rôle of *aid* to public power. A prudent government will consider it, not for its own sake, but because (and in so far as) it conduces to peace and order, and hence to the strength of the state.

This view of things can claim a certain support from history. For most great states have arisen in deeds of force, i.e., through some compulsory commotive process which drew adjustive processes into its service, not in judicial processes which drew commotive processes into their service. *De facto* rulerships, however established, have commonly shaded insensibly into *de jure* rulerships by the quiet process of aging in their places.[12] The state is not reason served by force; it is will-force served by reason.

12 The priority of force as a matter of history, idealists have generally been ready to concede. Cf. Hegel, *Phænomenologie des Geistes,* B, IV, a (Ww. ii, 135-145); Bluntschli, *Theory of the State,* iv, ch. 8:

This is the characteristic position of political realism;[18] what are its merits?

iv. *Political realism*

42. The realistic temper is averse to substituting ideals for facts. Taking the state for what it is and has been,—a factual power, more or less reasonable, but at all events a supreme force and will,—it proposes to define the state by that fact, not by what it ought to be. Observing that the establishment of favorable facts—i.e., facts promoting the existing power of the state—has been the dominant concern of statesmen, and that facts once established, no matter how, acquire a certain respectability, it recognizes the *de facto* as primary, the *de jure* as derivative. Power becomes the essence of politics.

The strength of political realism lies in this respect

"Without force, a state can neither come into being nor continue. Force is required within as well as without. Where force has produced firm and lasting results, it seeks and commonly obtains a connection with right" (tr., p. 293). Cf. also Rousseau, *Social Contract*, I, iii; Hobhouse, *Morals in Evolution*, 1915, I, 57.

[18] Political realism has its degrees, but as a tendency it is probably the dominating temper in political theory at present. For while there are not many who say explicitly, with Duguit, that the state is "the man, the group of men, who in fact in a given society are materially stronger than the rest" (*L'état, le droit objectif et la loi positif*, p. 19), or with Cornewall Lewis that "if a sovereign has not the power to enforce his commands, whether right or wrong, he is not sovereign" (*Use and Abuse of Political Terms*, p. 15), or with Lenin that "the State is only for the suppression of opposition" (*The Proletarian Revolution*, p. 35), there are many who endorse the view that "law and rights are created, guaranteed, and abolished only by the state in its sovereign character"—a proposition which, according to Professor William A. Dunning, "American and English jurists consider an undebatable postulate of public law and political science" (*Political Science Quarterly*, 1907, p. 701)—while

for fact; and its just perception that reason without will is devoid of substance. Before anything can be judged as right or wrong, something must be; the commotive processes are primary. Realism is rightly concerned to give political problems all the hardness of fact, all the wealth and perplexity of actual experience; it rightly refuses to take refuge in purely imaginary solutions; its proposals are always relevant and can never be out of joint with affairs. Insisting on accurate and concrete observation as the basis of all theory, the picture it draws of the state is a picture we can immediately recognize.

It is all the more surprising to find the realistic theory of public force misled by two very palpable abstractions.

the location of sovereignty is "always a question of fact, never a question of law or morals" (Sir Henry Maine, expounding Austin, in *Early History of Institutions*, pp. 349-351,—or, rather, helping to establish the prevalent Austinian myth).

There is a broader use of the term realism in political theory, to designate a *method rather than a doctrine*. Realism in this sense is essentially equivalent to empiricism, an insistence on objective facts as the source of all political wisdom. On the negative side, which we have already met (p. 50 above), this implies an aversion to substituting ideals for facts, which must always be painted at least as black as they are, and perhaps preferably a little blacker; and a demand that ideals shall show their realizableness in order to gain a hearing. With this is naturally associated a distrust of a mixture, in political science, of considerations of what ought to be with considerations of what is. And this easily leads to a belief that political science is a descriptive science of social forces and processes, with which ethical considerations ought not to mix. Up to this point, its position has been substantially sound; but here it begins inevitably to attempt to transform its facts into ideals, since weak mankind is incurably interested in what ought to be. The logical essence of political realism on its positive side is an attempt to make the facts serve as standards, on the essentially foolish supposition that anyone who wants to know what to do can be answered by pointing to the 'facts,' the very things he wants to change.

43. First, *the belief that law is not law unless backed by force is an abstraction.*

It is little more than a definition. If we define law as that rule which is enforced, then it follows from the definition that whatever is not enforced is not law. But this is evidently a play of words, not of facts.

I do not mean to say that this definition is arbitrary. On the contrary, there are excellent reasons for setting off 'positive law,' as law which is enacted and has force behind it, from law which lacks these properties. Enactment and enforcement bring a rule for the first time to sharp consciousness in the community, and therewith bring a precise knowledge of what the rule means.[14] But I do mean to say that there are equally excellent reasons for not preëmpting the word law as a name for the 'positive' fraction of law; and in general that we ought not to be taken in by our own definitions.[15] Least of all should a realist fail to observe that this definition shuts off much which in the nature

[14] It must not be supposed, however, that the genuine differences between positive law and custom (on the one side) or pure reason (on the other) are due to force alone or even primarily. Roughly speaking law differs from custom by the element of reason that is in it, and from reason by the element of custom that is in it. Custom is not law until it has been reflected upon and explicitly formulated as a part of the system of consciously adopted rules; pure reason is not law until it fits its findings into this same continuous and growing system. This was Coke's meaning, when in reply to King James, who thought that his powers of reason should qualify him to serve as judge, he said that "causes . . . are not to be decided by natural reason, but by the artificial reason of the law." R. Pound, *Spirit of the Common Law*, p. 61.

[15] John Austin, who in the accidents of history has been responsible for much of this misunderstanding of the nature of law, was himself not at all under the illusion created by his definition. He knew that his method in jurisprudence was essentially 'analytical,' i.e., based on deliberate abstractions, for the purpose of exact inference, and making no pretence to envisage the whole concrete fact of law.

of things is continuous with the enforced law, and of the same nature; it is he above all who should have his eye on the total fact of law, of which positive law is but a fragment; it is he who should remind us that of law in this wider sense there is much which is not enforced, and much which cannot be enforced.

Much of the actual law is not enforced. It is, of course, the law of the books that has force behind it; whereas the living law, the law which is observed, is commonly 'in force' without any pretence of enforcement.[16] Further, there is never enough force to compel obedience to any large part of the book-law unless men were otherwise disposed to obey it: hence the association of force with law always remains loose. The will of the state pervades, to be sure, the entire body of its enacted law; but its force is unevenly distributed, being associated especially with the criminal law, and with the newer elements of statute law. It is in the latter case that the realist's position is strongest, for here force has some effect in *creating an initial obligation:* a new rule—a rule of traffic, of hours of labor, of prohibition, etc.—is commonly binding on no one unless it is binding on everyone, and therefore it needs to be launched with an insistence which creates general as-

[16] This is recognized by some realists. Thus, H. J. Laski points out that "there is a vast difference between what Dean Pound has admirably called 'Law in books' and 'Law in action.' It is with the latter alone that a realistic theory of the state can be concerned." (*Authority in the Modern State,* p. 42.) The various reactions against analytical jurisprudence are, indeed, very largely realistic reactions.

This phenomenon of realism versus realism is a common one: it arises naturally from the circumstance that, as a method of finding standards in facts, realism commonly takes silently for granted the principle of selection it inevitably uses in choosing from the infinitude of facts the special ones it proposes to take as authoritative; and different realists fix their attention on different groups of facts.

surance that it will be generally obeyed. Force here serves to create an artificial custom. But this only serves to emphasize the fact that custom, without force, has established obligation for the great body of the common law.

Further, there are many laws which are in the nature of the case unenforceable. Some, because of the infinitude of the administrative task, such as the laws against carrying concealed weapons, smuggling, rum-running, etc. Others, because they apply to the commander of the state's forces. Hobbes devised a form of contract which left his ruler free of legal obligation. But older and actual mediæval contracts between rulers and subjects (a form of which still remains in the Coronation Oath of Great Britain) set obligations upon the ruler to all intents legal. All modern heads of states have constitutional duties which can only be enforced by the ruler upon himself.[17] Unless one retreats behind a verbal distinction, and refuses the name of law to the rules which bind the ruler, one must recognize that law can be law without a physical sanction.

44. But the political realist is still more fundamentally misled by a second abstraction,—again a very useful one,—that which *separates the scientific study*

[17] Cf. P. Vinogradoff, *Common Sense in the Law,* pp. 38 ff. In the Anglo-American legal system, the executive is regarded as subject to the law as expounded by a supreme court: as Sir Edward Coke put the matter while it was still under the hammer, the king, who "ought not to be under any man," is still "under God and the law." R. Pound, *Spirit of the Common Law,* ch. iii.

Jellinek regards this ruler-binding law as self-prescribed; Duguit derives it from the objective conditions of social solidarity; to Krabbe, it is reason itself. They all agree that it is there.

of facts from all attempts to pass judgment on them, moral or otherwise.

There is need for a science which considers the play of social forces, and what things do in fact promote the strength or the survival of societies, without regard to the right or wrong of those policies. Machiavelli made the first notable contribution to this purely objective science of political forces, and the "separation of politics from ethics" is duly counted to him for righteousness by the realistic historians.[18] But it is only by the most violent of abstractions that anyone could suppose that such a science includes all that concerns politics. For when it is finished, the question of the worth of the results achieved by these forces remains and the essentially political question, *what to do about them:* these questions cannot be excluded by any dogma, least of all by so transparent a dogma as the definition of the science.[19]

No fact in the universe can evade the question of

[18] Thus, with semi-approval, W. A. Dunning, *Political Theories,* I, 298.

[19] A random example or two of this tendency of thought from recent writings:

Nothing is more liable to lead astray than the injection of moral considerations into an essentially non-moral factual investigation. [If one is studying an agrarian revolt], the student of politics should limit himself to noting what differences of opinion exist, what groups hold the respective conflicting views, and the efforts to register them in governmental action; the evaluation of the theories is the task of the economist, not of the political scientist. A. Gordon Dewey, "On methods in the study of politics," *Political Science Quarterly,* 1923, p. 636.

If instead of regarding the individual and the social group as ethical agents, which ought to attain certain ends, and therefore as capable of attaining these ends, the individual and the group were viewed as natural agents which act in a more or less determinate fashion, a start would have been made . . . in defining human capacities for the attainment of social ideals. Seba Eldridge, *Political Action,* p. 2.

its justification. The pertinence of the demand for the evaluation and justification of facts does not depend on the nature of any science: it depends on the nature of man. Every fact which man inclines to challenge is thereby challenged. And however long he may have accepted any political force or fact, from the day when it occurs to him to demand its credentials, from that day its existence is insecure until it has furnished them.

In his desire to avoid futile theorizing, the political realist rightly insists on keeping his vision of things as they are unclouded by his wishes or his visions of what they ought to be. But if, having found what is, he sets up as a finality to be accepted and worshipped, he commits the reverse fallacy. If it is a blunder to take what ought to be for what is, it is no less a blunder to take what is for what ought to be. And carefully examined, this reverse blunder is the positive essence of political realism.[20] To say that will, or force, or fact, is primary and needs no justification is to say that it is something we *ought to accept* and conform ourselves to: the fact becomes our standard. Margaret Fuller exclaims, "I accept the Universe!" as if her approval had depended on discovering some value in it. Thomas Carlyle retorts, "Egad! She'd better!" Substitute for the universe the state, and Carlyle voices the realistic sentiment. But if the state is indeed a fact of *will,* it is no ultimate empirical datum, to be accepted and built into our world-picture willy-nilly. Its force has no claim on our approval merely because it exists: we prefer the attitude of Carlyle's Teufelsdröckh, holding these and all other facts in "everlasting defiance" un-

[20] Cf. O. W. Holmes, *The Common Law,* p. 44.

til we do approve them because we discover some value in them.

45. No one illustrates this truth better than the realist in action who finds public force as the most palpable fact on his horizon. For the force he finds is either for him or against him. And if it is against him, he does indeed recognize it and the facts it has made; but he proposes to bring about new facts more in conformity to his will. The most ardent of contemporary realists combine a pious belief in the materialistic determination of history with an equally pious belief in revolution! Thus Lenin defines the state as always in essence a dictatorship, "a power which is not bound by any laws, relying directly upon force";[21] but he proposes, since such a force must exist in society, that it shall be the dictatorship of *his crowd,* the proletariat, and not that of the bourgeoisie. And even when it has become his dictatorship, he finds by experience that he cannot regard it as a self-justifying force.

He finds that it must offer some apology to mankind for its position. Hence he presents the revolution as a device for replacing an inferior claim by a major claim. The "interests of the revolution are *above* the rights of the Constituent Assembly."[22] Why so? What is 'above' for Lenin? Above means the more inclusive; and as the proletariat is more numerous, and (it is implied) more sincere, than the bourgeoisie, its dictatorship is "a million times more democratic" than the régime it displaces.

And he finds too that, as this justification or apology is merely relative, the dictatorship must eventually

21 *The Proletarian Revolution,* p. 15.

22 Ibid., pp. 53-56.

come to an end. For as any state is "only for the suppression of opposition," when genuine freedom comes, the state ceases to exist.[23] Communism declares itself, through Lenin's voice, as "altogether opposed to violence."[24] And the dictatorship, the revolution, the state itself, must be taken as temporary evils which human progress will fling away.

Thus the most drastic of realists confesses that that supreme public power is anything but a self-justifying fact; and less drastic realists may safely follow him to that extent. No fact, I repeat, can evade the question of its justification, least of all a fact of human will.

46. We absolutely reject, then, that part of political realism which proposes that any force or fact in human society is its own excuse for being. Such realism merely gives up the problem, and offers us half a science of politics for the whole.

And therewith we decline to make 'force-using' the essential and defining mark of the state. If this force-using is legitimate—and if the effort of the reason-theorist to explain it by the requirements of justice falls short, as it does—it must be explained by some more fundamental characteristic of the state. The force of the state must depend upon its rightful ascendency, not its ascendency upon its force. And this more fundamental characteristic we have not yet discovered.

But political realism may still serve us by pointing a way to it. For when realism refers force to will, it does, in reality, refer through will to the objects which the will seeks: it is referring us, for ultimate explana-

[23] *The Proletarian Revolution*, p. 35.
[24] Ibid., p. 74.

tions, to the *purpose of the state*. And when we explain our conduct by referring to our purposes—a purchase of paper by a purpose to write, a bit of digging by the plan of a garden, etc., we intend to represent it as reasonable. But we are appealing now to a wider reason that the Kantians had in mind. To Kant, reason meant the *a priori* logic of universal order: here it means an appeal to the *sense of worth* in concrete objects of action. It is a worth-reason, which cannot be reduced to the logic of simple consistency. The promoter of an enterprise appeals to 'reason' when he evokes a stirring vision of its attractiveness: he is dealing in intuitions of value, a field to which imagination and emotion are not irrelevant. His argument assumes, and rightly, that value choices are not arbitrary: they have their rationality, though it lies beyond our present powers of analysis. The will, in brief, promotes action —not unreasonably, nor by reason—but in view of a future reason: it establishes facts and statuses, not blindly, but subject to a supervening judgment.[25] To discover the purpose of the state is thus to discover the reasonableness of all functions, including force-using, which can be derived from this purpose: and to

[25] Will seems in certain instances to bring elements of reason into being. Thus (a) where there are several solutions of an issue equally reasonable—as passing to the right or to the left in traffic—the one which is determined upon becomes by that fact the reasonable one; (b) where no one is obliged unless all are obliged, the pressure of will may determine whether obligation shall light on all or on none (see p. 71 above); (c) the decision whether or not to unite with certain others in a given project or group determines whether or not I become subject to the reasonable rules of that relationship or undertaking. These facts suggest a more radical realism than I have admitted; but it must be remembered that it is only by the consent of reason that the new facts come under will's jurisdiction.

determine this purpose is the main problem of political philosophy.

But we cannot yet assume that the state has a purpose of such sort as to explain and justify the use of force. There are those who doubt it. Critics of the state, assailants of its ascendency among social groups, which idealist and realist are inclined to accept, present an increasingly formidable and thoughtful case. We shall consider two of these skeptical positions.

CHAPTER VI

STATE-SKEPTICS

i. *The political pluralist*

AS a race we have become politically tame, perhaps too tame. Toward the state we have become suggestibly obedient; we are organically disposed to allow it the ascendency it claims.

Certain of the psychological causes of this docility lie on the surface. To be Maximum in any field is to make some claim to respectful attention; and the state is some sort of maximum in the field of social organization. But, further, this maximum appears to be an auspicious maximum: its prominent rôle is that of Protector. If we regard its force as purely for us, it is society's physical protector; if we regard its law as our reason, it is society's moral protector. The psychological success of the state is to keep this for-us character in the foreground. So far as men get this view of it and forget inconsistent views, the primitive instinct by which they defend home and property becomes transferred to the state, and they protect the Protector with even greater vigor.

There can be no doubt of the reality of this feeling. The evidence is not found in political oratory, to which we have become almost anæsthetic, nor in the concurrence of all voices when the state is conceived to be in danger. It is found rather in the record in action left by human beings in vast multitudes: they have sacrificed themselves and their goods to the state.

No doubt the common man does precisely what the idealistic apologist has been censured for doing: he idealizes the state. He mixes his facts with an imaginative sense of what they ought to be. It is not that any existent state is of such high value for him, but that to be well-governed would certainly be of the highest value, and the state is taken as the promise and possibility of being eventually well-governed. The state, like the individual, is given the benefit of its potential future.[1]

48. But the very notion of 'idealization' suggests that a disillusionment is due. The state must serve some end; let us say it protects life, family, property, security, peace; we protect it because it protects these goods. But if so, it would seem to follow that to sacrifice these things for the state is unreasonably to sacrifice the end for the means.

Benjamin Kidd, a generation ago, stated his belief that the more rational men become, the less they can find a sufficient reason for assuming the risks of battle: the state can count on support in war only when an irrational religious faith sustains its appeal. In our day, it is more common to set up patriotism as having its own instinctive root,—a phenomenon, perhaps, of the herd-impulse. To the calculating intelligence, any form of altruism is a mystery,—the impulse to fend

[1] "Is there any other value men prize so highly that to make it good they would pay the price of twelve million slain, fifty million maimed, and a whole continent plunged into economic ruin? What further proof do we need that 'government' stands at the top of our scale of values, as the one thing of supreme importance to the world, the one thing in which we ultimately believe?" L. P. Jacks, *New York Post Literary Review*, February 25, 1922.

for the family, to care for unknown posterity, and the like; and 'instinct,' as blind and uncalculating, supplies a promising explanation of all such behavior. It is not (say these psychologists) that we are patriotic because we believe in the state, but we believe in the state because we are congenitally and hence incurably patriotic.

But whether one resorts to the super-rational or to the sub-rational, all such expedients confess that that reason is at a loss to support the value placed on the state: that value is soberly judged to be an *excess value.*

49. This suspicion, creeping in through psychology, —whose support of patriotism, etc., is always semi-cynical, leaving an after taste of death,—is strengthened by various other considerations that gather force at present—among them, our growing experience with *other associations than the state.* As spontaneous social life shows its possibilities, the merits once ascribed to the state seem less uniquely its own.

The state is certainly not the only group that may claim to represent to its member some of his better reason and conscience.[2] All social belonging does this to some extent, simply as an incident of the fact that each member of a group is near enough to his fellow-member to affect him, while by virtue of being another person, he can look with coolness upon his excitements and passions. Every man serves as Stoic to his neighbor's perturbations; and every man in a group has the group as his sounding-board, so that his voice becomes impressive. Further, the motive for maintaining any

[2] Supra, § 30.

group exerts a constant pressure toward mutual forbearance and promotes the breaking-down of self-absorbed tempers. Since we have learned that society is something of itself, apart from the state, it has become less clear that the state can stand as the embodiment of human reason *par excellence.*

In Aristotle's day, the supremacy of the state was a natural view. The associations which are now its chief rivals were without prominence in the Greek world. There was no church; occupational groups were few and small; artisanry, commerce, and manual labor were devoid of corporate pride. There was nothing in the domestic Greek, the industrial Greek, the religious Greek, to rebel against the assumption that the political Greek was the acme of human nature. There was but one association that could claim in sweeping terms to care for "the good life."

But this present day is the day of the non-political associations. While the "liberty of association" has favored their multiplying, until now there is a group for every important human interest and some for none, the democratic ordering of affairs lends to every group a modicum of public power. As the state has withdrawn from private functions, they have grown in dignity and in authority until in the mind of each citizen the political association must compete for ascendency with a swarm of others. It no longer lies on the surface of consciousness that man in his political capacity is man in his highest pride. The religious community, once dictating to the state, still claims a devotion which the state must fear to cross. Capital property by its nature reaches out to control men as well as things, and draws itself into a corporate interest the weight of whose will every government must feel. The great-

est advance of power in the last century has been made by the occupational groups. It is not now wealth as static possession, but "business" as a going concern, an immense web of loosely organized activities into which everyone is directly or indirectly drawn, which holds the attention of the state. Labor, from local beginnings, gropes its way to a world-wide fraternity; and we are occasionally told that men have more in common as members of the same trade than as citizens of the same state.

None of these groups is disposed to be passive while an abstract state voices its commands. Their spirit is that of the Templars of England who "dared to say to King Henry III, You shall be king as long as you are just; and in their mouth that word was a threat."[3] The Crown may command so long as it commands the right things; and what these right things are, the Crown's various would-be masters, these group-wills, are endeavoring to prescribe.[4]

[3] J. Michelet, *Extraits historiques*, Seignobos, p. 105.

[4] An eloquent picture of the subjection of government to the bombardment of group interests is drawn in the *Grain Growers' Guide for Western Canada*, 1913, p. 822, under the heading of "Dont's for Grain Growers":

"Don't agitate for lower tariff duties, because you will offend the Canadian Manufacturers' Association;

"Don't agitate for lower freight rates, because you will offend our three great railway companies;

"Don't agitate for cheaper money, because you will offend the Bankers' Association;

"Don't complain about the high price of lumber, because you will offend the Lumbermen's Association;

"Don't complain about the high rate of interest you pay on mortgages, because you will offend the Loan and Mortgage Companies;

"Don't advocate co-operative stores, because you will offend the Retail Merchants' Association;

50. Meanwhile, as other groups have increased in authority, the state has suffered decline.

For more than a century, writers of history have been relegating the political aspect of things from the foreground to the position of one among many factors. Some have been inclined to rate it still lower: seeing the state's vast pretence of I-will as a monstrous illusion, all governments being consciously or unconsciously the creatures of powers greater though less ostensible,—social powers, and especially economic powers.

This more penetrating reading of history makes the high claims of the state appear a usurpation. There has never been a time when the focus of social vitality has dwelt steadily in the forum rather than in hearth or altar. If the pretences of the ancient state were unresisted, this was chiefly because it courted no quarrels with natural inner authorities: the early *élan* of organized politics had no formidable finality, no capacity to be invidiously and searchingly sovereign. It was not until the Church gained a conscious and competent sense of ultimacy, and took an aggressive attitude toward its mundane rivals, and especially toward the state, that a conflict and counter-assertion in the name of group-life was evoked. And it was the emerging national state that became the spokesman and champion of that principle of group-right, the right of all that has life to live,—the right of trade, of cities and communes,

"Don't advocate honest politics, because you will offend both the Grit and the Tory parties;

. . . . . .

"Every other calling in Canada is organized except the farmers, and that is the reason the farmers get the worst of it in every deal."

Quoted by A. Gordon Dewey, *American Political Science Quarterly*, 1923, pp. 639 f.

of guilds, feuds, estates. By insisting on the authority of secular reason in its own sphere, the state, wittingly or unwittingly, stood for the human instinct of value in all its spontaneous group-life as against the claim-all of the ecclesiastical hierarchy. By whatever right the state secures its own recognition, by that same sign it secures the recognition of its neighbor-groups; and the modern notion of sovereignty, a sixteenth century artifact, represents a complete misreading of the historical situation,—the futile attempt of the state to concentrate and usurp an authority which had in reality become dispersed, fluid, and widely humane.

The subsequent course of events can now be seen to substantiate this reading of history. Though its claims remain constant, the prestige of political authority in the mind of the thinking citizen has reached a modest level. The state passes for what it is worth; and its yield, in terms of human welfare and effective liberty, tends to dissipate its traditional aura.

At the present moment, in various parts of Europe, there are resurgences of the political strong-hand. The new Turkey typifies them all, where Mustapha Kemal Pasha, fortified by military and diplomatic glory, defies all the popular gods. Here the state, embodied in him and his assembly, flouts the authority of the domestic tradition and of the Koran by prohibiting polygamy; crosses the current of social custom by prohibiting alcoholic drink; assumes domination over the powerful authority of organized religion by displacing the Calif and substituting its own appointee. From the point of view of Kemal Pasha, his assertions of state supremacy are not so much in defiance of existing group life as by way of casting off moribund obsessions through a brusque challenge of their vitality. But

the lingering vitality exhibits itself in remonstrances to which the state has been obliged to listen. On the question of alcohol, though the state here had the Koran as its ally, the prohibitory rule had to be modified to a system of restriction. On the point of polygamy, within two years five bills to repeal were introduced into the Assembly. And as for the interference of the state with the Califate, while the lawyers and editors who publicly protested were imprisoned for treason, it is evident that Islam as a whole is still to be heard from, and that the sentiment of the nation denounces the assumed authority as an outrage. And so, quite generally, where the state since the war in the interest of some new order has aggrandized itself, the persisting inner authorities have worked a gradual reduction of its excess. And the echo of war itself, while it temporarily magnifies the state, evokes at last the most searching questionings of its worth.

For the havoc wrought by clashing political bodies begins to appear not alone as a failure of political wisdom, but as a wanton destruction of the more important in the interest of the less important. Nationalistic exaltation of political entities is widely felt to be the storing of an international powder mine, and as a matter of theory the survival of a superstition which it is now time to cast off. The attempt of Hegel and his followers to represent the state as the incarnate ethical principle is attacked as giving a falsely absolute position to an authority which should remain relative and experimental.[5]

51. And the human mind, growing accustomed to

[5] L. T. Hobhouse, *The Metaphysical Conception of the State;* John Dewey, *German Philosophy and Politics.*

the sense of relativity in all mundane affairs, is inclined to believe with these critics. It has no disposition to give absolute deference to any but The Absolute. Any proposal to the effect that the authority of the state is relative and variable chimes in with its own inclination to distribute its allegiance among various groups according to their present worth. As present worth varies, so devotion and authority change their centers. All hierarchies become suspect; authorities are in a safer position when they assume a preliminary equality and fraternity among themselves, and adopt federal relations rather than relations of subjection to a political over-lordship.

This trait of human nature, the doctrine of *political pluralism* adopts as a principle. The state, it holds, must share fortunes of ascendency with other aspirants. Now it is the state, now the church, and now the economic group that actually dominates in society. Let political theory follow the natural lines of authority in the social order, abandon the doctrine of sovereignty in the state—for in this word sovereignty the whole pretence of ultimate power and right is embodied—and accept the fact that the state, in respect to its authority, is and ought to be one among many, not the inclusive whole.[6]

[6] Political pluralism is hardly a 'school of thought': it is a tendency in many writers and various social movements. One of its channels can be traced from Otto Gierke (*Das deutsche Genossenschaftsrecht,* 1868 . . .) through F. W. Maitland (*Political Theories of the Middle Age,* 1900, Introduction) and J. Neville Figgis (*Churches in the Modern State,* 1913)—who were pluralists only in bud if at all, pointing out that other groups beside the state have a life of their own which the state is bound to respect, but without denying the unique position of the state in relation to them—to Harold Laski (*Studies in the Problem of Sovereignty,* 1917, *Authority in the Modern State,* 1919, *Grammar of Politics,* 1925). Léon Duguit (*Manuel de droit constitutionnel,* 2d ed.,

52. Political pluralism strangely declines to recommend the one step that would seem necessary to give its counsels effect, namely, to shear the locks of the state's unique power. It proposes no return to the former distribution of armed forces among the various social powers. It does not advocate the abolition of force-using against recalcitrant citizens and groups.[7]

But so long as the locus of force remains untouched, political pluralism is hardly more than an assertion of the importance of group authority and of its migrations, and an appeal for modest deference to these and other authorities on the part of governments. The facts to which it calls attention are momentous; they mean much for the sovereignty and prestige of the state; it is no small part of our business to find out what they mean. But meanwhile there are other thinkers who do not hesitate to challenge the whole apparatus of state-force. They are represented by such names as Proudhon, Bakunin, Tolstoi, Kropotkin; we

1911, and *Transformations du droit public*, 1913, translated by Laski as *Law in the Modern State*, 1919) is a vigorous representative of the independent French group, which includes Paul Boncour (*Le fédéralisme économique*) and Maxime Leroy (*La loi*, 1908, etc.). Gild socialism in England, inclining to absorb many state functions in a developed economic organization, without clearly disposing of the remainder, has close affiliations with this trend; cf. G. D. H. Cole, *Social Theory*, chs. v-viii. An excellent review of the movement may be found in F. W. Coker, *American Political Science Quarterly*, May, 1921, pp. 186-213.

[7] It may be thought that Mr. Cole's proposal to remove coercion from the state and vest it in his "co-ordinating body" (G. D. H. Cole, *Social Theory*, ch. viii, p. 187) is an exception to this rule. But the appearance of exception is due to the circumstance that Mr. Cole defines the functions of his state in a sense peculiar to himself, sets them side by side with other functions, and then discovers naturally enough that he needs a coördinating body to make a working whole of them. This coördinating body is included in the state as we understand the term; and therefore, for Mr. Cole also, the force situation is left essentially unchanged.

call them anarchists, philosophical anarchists. They are radicals; that is, they go to the roots of things. They are men, for the most part, of profound human sympathies, and, setting the state, as they do, at its lowest valuation, their views are of immediate concern to us.

CHAPTER VII

STATE-SKEPTICS

ii. *The philosophical anarchist*

I say there can be no salvation for These States without innovators—without free tongues, and ears willing to hear the tongues;

And I announce as a glory of These States, that they respectfully listen to propositions, reforms, fresh views and doctrines.

Walt Whitman, *Leaves of Grass,* Says, 3.

THE voluntary groupings of men have life in them; some of them have capacity and intelligence enough, the pluralist tells us, to bend, or control, or defy the policy of the government. But if this is so, why may they not, either now or later, wholly take its place? Why may we not look forward to a society of free, naturally interlacing, self-governing private groups? This is the question put by the philosophical anarchist.

Note that if anarchy is equivalent to chaos, the philosophical anarchist, despite his name, is no seeker of anarchy. He calls for an end not of law but of laws and of law-enforcement. Nor does he advise that government should be at once done away, ending its force by violence. His plan (if we may make a type of schemes so various) is that the activities of government shall be diminished by degrees until, when only the administering of public services is left, private associations may take them over.

In its opposition to force, anarchism is akin to the belief that war between states can be and ought to be banished: anarchism is pacifism in internal affairs. In its opposition to governmental activity, it is akin to an ideal widely professed during the last century under the name of *laissez faire,* and still of popular vogue in the belief that "the state governs best that governs least." Most Americans are instinctive laissez-faireists in the respect that they dislike being reminded of government, believing in their capacity and that of their neighbors to manage their own affairs and their mutual affairs on terms of fair play without the surveillance of public authorities; and most incline subconsciously to philosophical anarchism, in so far as they assume, with Spinoza,[1] that if man were completely socialized in his nature, as some day he may be, there would be no need for the state. Laissez-faireists differ from anarchists not so much in their ideal as in their view of the possibilities of human nature.[2] The former think that the self-seeking and deceitful elements of human nature will remain statistically about as they are, requiring the police functions as an irreducible minimum of state activity; the latter believe in a moral progress such that the social casing of coercion may eventually be discarded, leaving a matured, self-respecting humanity to maintain freely its order and character. They believe, further, that the gradual decrease of state pressure would hasten this event, because human nature has a bent to goodness, and gives

1 *Theologico-Political Tractate,* tr. Elwes, p. 73.

2 The views of Benjamin R. Tucker, presented in his journal, *Liberty* (Boston, 1881), are an ingenious blend of Proudhon and Herbert Spencer, and indicate the affiliation between them. Kropotkin in *Anarchist Communism* expressly steps off from Spencer's views to his own.

the best account of itself when unfettered by artificial requirements.

As for the criminal, his existence is not forgotten; but it is thought that he is either such by definition only, as one who has disobeyed what *we* have commanded; or he is such by response to the unnatural environment of the state and the exaggerated inequalities which it fosters;[3] or else he is the unusual individual of determined ill-will who is best dealt with by near and private hands, since the life of the will, whether for good or for evil, is always intimate, individual, and unique. The legal separation between sheep and goats is too obviously an affair of exteriors to satisfy the anarchist's thirst for inner realities.

He is not disposed to minimize the need of settling disputes, as a condition of keeping social groups alive. He is not less but rather more impressed than most men with the necessity as well as the beauty of reasonableness, self-control, and cumulative understandings among men.[4] His difference from those who hold to the

[3] "Three quarters of all the acts which are brought every year before our courts have their origin, either directly or indirectly, in the present disorganized state of society with regard to the production and distribution of wealth—not in the perversity of human nature." P. Kropotkin, *Anarchist Communism*, p. 31.

[4] It is to be noted that an amoral and purely self-assertive anarchistic philosophy is a sporadic development, as in Aristippus or Max Stirner. It stands aside from the main current of philosophical anarchism, which relies on the inherent ethical forces of human nature to replace political control. Such is the anarchism of Zeno, the Stoic, of Vida, bishop of Alva, of Chojecki, the Hussite, of Hans Denk, the Anabaptist, of Tolstoi, of Kropotkin.

"Provided that you yourselves do not abdicate your freedom; provided that you yourselves do not allow others to enslave you; and provided that to the violent and anti-social passions of this or that person *you oppose your equally vigorous social passions*, then you have nothing to fear from liberty. . . . To struggle; to look danger in the face; to

state is simply that he believes that these goods should be and can be supplied by men themselves, not imposed upon them by an external power.

54. This faith of the anarchist in the capacity of human nature for association at once forceless and orderly is not wholly *a priori*. In the nature of the case, modern experiments in anarchism have been confined to small communities living within and under the general law of existing states. Still, communities have existed which were nearly devoid of organized public force, except such as formed itself spontaneously as occasion demanded. The early Jewish community was of this character.[5] In its case, a tenacious religious faith made possible a direction of public affairs uniquely informal and non-coercive. And while that faith cannot be reproduced, a moral equivalent is conceivable.

But the chief evidence is nearer at hand, in the same facts as lead the more cautious thinker to pluralism, namely, the abundant vital energy of voluntary groups, their natural authority, and growing capacity for self-government. Consider, for example, the immense growth in recent years of coöperative associations of producers, consumers, builders, etc., including now some thirty millions of members in Europe and

live on dry bread in order to put an end to inequities that revolt us; to feel ourselves in harmony with such as are worthy of love: this for a weak philosopher perhaps means self-sacrifice. But for the man or woman filled with energy, force, vigor, and youth, it is the conscious joy of life.'' Kropotkin, *Anarchist Morality*, pp. 27, 33 f.

[5] Lord Acton says of it, ''The government of the Israelites was a Federation, held together by no political authority, but by the unity of race and faith, and founded not on physical force, but on a voluntary covenant.'' *History of Freedom*, p. 4.

America; and remember that such groups can succeed only as they impose upon themselves the rigorous discipline required for economic stability.[6] Consider also how the development of codes of business practice, and the extension of the art of voluntary agreement on business standards, is beginning to take the place of legislation and to relieve the burdens of the courts.[7]

Continued neighborhood and a common economy have been from time immemorial the great teachers of natural order to mankind. To this day, vast agricultural regions carry on a custom-controlled life, hardly aware of the existence of the state except as tax-gatherer and conscriptionist. Agriculture is also man-culture; all normal growth is from the soil upward. It is an empirical growth, based on experience well-mastered, and therefore sound and enduring.

Quite apart, then, from the moral force which the anarchist may feel in himself and attribute to human nature at large, there is ground for his faith in the possibilities of an ultimately free community. But he is moved to this alternative, whose difficulty he does not conceal from himself, chiefly by a poignant sense of the evils to which all social control, and especially all force-using government, is subject.

55. The most concrete of these evils, to the traditional anarchist, is the enforcement of economic in-

[6] It is true, these coöperative bodies do not always refrain from force, or a pressure that amounts to force. We recall the riots of 1923 in Fresno, where raisin growers, needing an eighty per cent of the local producers as members of their association, adopted various devices, including ducking, tarring and feathering, to "compel them to come in," presumably for their own benefit. The commotive process is still, at times, savagely coercive, especially, as in this case, to the foreigner.

[7] Herbert Hoover, Address before Cleveland Chamber of Commerce.

equity. The economy built up from the immediate contact of individual men with soil and region and neighbor is sound, because, as we have said, it is empirical. The state is associated with an artificial economy, *brought to* labor and the soil from outside, an economy ordered about a protected mass of capital, perpetuating itself by inheritance, claiming the primacy and eternity of the general idea, a practical *a priori*. Anarchism is hostile to this inherited privilege, this self-perpetuating and cumulative mass, which it finds represented to the workers chiefly in the toll which it takes from them to support its own life, in Proudhon's view a fundamental theft.

But while the existence of capital as a social acquisition may create the motive for a capitalistic state, it is not intrinsic to the idea of the state that it should enforce capitalism or any other economic order. And hostility to capitalism is, of course, not peculiar to anarchism. The evils to which the anarchist is peculiarly sensitive lie deeper, in the very nature of a coercive society.

56. Social belonging is in no case an unmixed good. Every group exerts a pressure upon its members which tends to standardize them and warp them from their own true. Assuming as it must that many individuals are alike in that portion of their lives which it lives for them, the group blankets and obscures individual differences of will and power. When the state is described as 'an external form given to the moral will,' it might seem that government is being given a good character. But is it unquestionably good to belong to a group which assumes to do for me (even if it does it well) part of the work of my own conscience,—after

all, an inalienable organ. If it is indeed my own will which comes back to me through the state, why must I be compelled to accept my own as the voice of another and to live so far a vicarious life? Why must I be placed in the peril of not recognizing my own conscience in what is required of me? The inescapable pressure of the majority upon the minority, more particularly upon that omnipresent minority of *one* constituted by each one's individual judgment, becomes most intolerable when it is the moral judgment that is involved.

The effect of belonging upon character is clearly perceptible. In the wilds one feels more directly the natural man. If he is weak, the state lends him no adventitious strength: the 'rights' which he has in common with every other citizen he must stand up for, if they are to count in his favor. His neighbors will not restrain themselves on behalf of a specter of unmanned legality: they restrain themselves in the presence of the man they personally respect. Thus the native forces of character must make themselves felt, and they thrive under the necessity. On the other hand, where the political environment is compact, and every moral weakling may count himself safe from violence and fraud, men of large powers may find themselves ill at ease: too much is done and willed for them,—their qualities fail to tell. They may find themselves deficient in that special knack of self-alienation which enables lesser men to take firm root in the settled order. To rely on the police and the law court for protection and justice brings with it a subtle sense of shame and undue dependence.

Capacity to accept this vicarious moral living and this sharing of self-help is regarded as a part of civic

virtue. Yet, other things equal, how can such renunciation of personal completeness be other than a diminishing of manhood? Unless there is an energy of personal growth great enough to carry its self-assertion into new fields, while leaving the socially shared self in the region of habit, the political man is surely in some ways less noble than the semi-anarchic pioneer.

The same 'if' must be written against all social belonging. It offers at once a possibility and a danger,—a possibility of growing in some directions beyond any dream of solitude, a danger of falling below the natural level by a morally parasitic and passively conforming relation to the social mentality. But in the case of the state these dangers are magnified by the element of coercion; and as the anarchist sees them, they develop into specific evils inseparable from life under government.

57. First of them is the *restriction of liberty;* and liberty, in the anarchist's ideal, is the chief of all political goods. If liberty is the chief political good, then no sacrifice of it for any other good can be other than a bad bargain.

Society stands to lose by every diminution of general freedom; for it runs the risk of checking its most original, and therefore most priceless, developments. Though not every divergent genius is a prophet, the prophets are bound to be among the divergent and intractable. Yet it is not in the name of the social welfare that the anarchist primarily pleads his cause. It is in the name of the individual's own destiny and right.

Life itself is individual, and the most significant things in the world—perhaps in the end the only significant things—are individual souls. Each one of these

must work its own way to salvation, win its own experience, suffer from its own mistakes: "through angers, losses, ambition, ignorance, ennui," yes, and through crime and retribution, "what you are picks its way." Any rule which by running human conduct into approved grooves saves men from this salutary Odyssey thwarts the first meaning of human life.

58. In the second place, so far as the state requires good of men it *deprives that good of moral value.* For only that can have moral value which comes from free choice. Whatever is required by law is therefore drained of moral quality.

The actual ethical condition of the best governed states seems to confirm this criticism. Who does not recognize that in the typical political civilization of today conformity has largely replaced conscience, outer respectability takes the place of an inoperative personal conviction about conduct, and the fiber of men decays. Absence of moral originality is not the normal state of mankind: it is only in urbane communities that "what is done" becomes the complete guide to the practice of ruler and ruled alike.

59. Finally, there is the long history of the *abuse of power.* The unholy accompaniments of coercion, in 'free' states as well as in others, the subtle poison of possessing force, the moral perdition in assuming the right to judge and punish, the blearing of the official eye to all that is individual through the pressure of business and the mechanism of the general rule, the callousness and the shifting of responsibility bred of the belief in the efficiency of the machine and the sufficiency of what has been,—these are evils which are

no specialties of cruel and cruder eras of mankind: they are the predictable incidents of bringing weak humanity into the false position of control over its fellows.

60. And the result is that enforced law shares the fate of all abnormalities,—it *undermines its own position.*

For however worthy of obedience the law may be, governments, seduced by force-using, seldom are; and the disaffection from rulers extends to the law behind them. There is an element of arrogance in their wielding of principles more sacred than themselves; and if they insist on being inseparable from the law, the resentment due them will not be withheld because it strikes the law also. Law which allies itself with force begets lawlessness.

Those who justify themselves in evading the Volstead Act on the ground that it is foisted upon an unwilling majority by a group of determined bigots are not different in this respect from most other lawbreakers. They scent a personal factor in the law which is repellent to them; they extend this repulsion to the law, to its enforcers, and thus to the fabric of government. The anarchist argues that this is a psychological result which must appear in all men subject to government: sooner or later spontaneous lawfulness is destroyed.

61. In sum, the ultimate animus of anarchism is a deep sense of the crime which an enforced organization inflicts upon life, which is by birthright free, individual, varied.

Organization is in its nature impersonal; it can deal only in the common denominators of personality, the abstract elements of will. If it touches men powerfully, it invites them to accept its generalized human being in place of their concrete selfhood, and thus dehumanizes those with whom it converses.

In this impersonality, the moral quality is diluted and tends to disappear in the statistics of a mythical general welfare. The human friend and the human opponent have vanished into general tendencies; and in the name of their states men fight enemies whom no one hates, supporting friends whom no one loves, committing crimes which burden no one's conscience because they seem to fall in the world of the ghostly political entities, not in the world of human life. England may force opium on China when no Englishman would force opium on any human individual. Nationality thus becomes, in the impassioned words of Tagore, "one of the most powerful anæsthetics that man has invented."[8]

And all organization tends to propagate itself, as men analyze out of their own being more and more of the common elements. The logic of combined power carries an irresistible argument, once you submit yourself to it: power must be met by power; neither the state nor any part of it can submit to be overrun, and men must sell all, as Hobbes would have them do, to be strong. But this logic of power, shrewdly regarding every neighbor as the potential enemy, is incompatible with the growth of the human quality. At last you must choose between it and the development of the soul or the achievement of a humane society.

[8] *Nationalism*, p. 57.

So far, the anarchistic point of view, the necessary background of all political philosophy.

62. To estimate the argument of the anarchist, we must begin by recognizing that the evils he mentions exist, and the psychological tendencies that give rise to them. Our question must be whether these evils are inseparable from government; and if so, whether the value of government is so great as to outweigh them.

It cannot be denied, I think, that law has some tendency to breed lawlessness. Certainly, law-enforcement always has a back-stroke to reckon with. There is something in every human temper (and more in some than in others) which replies to a command with a retort, "Remove the compulsion, and I will do freely what you wish."

But this element of balk diminishes as the command becomes a general regulation, and therefore not personally directed. In the course of nature, human beings arrive at self-government by way of a long regime of parental coercion. The presence of coercion, therefore, cannot be incompatible with the growth of spontaneous lawfulness. Moral self-control does find its way somehow beneath the cover of external constraint. And when family discipline gives way to the relative 'freedom' of maturity, what is this freedom except life under the coercive state? Evidently this coercion does not largely cross the path of ordinary self-management. Governments could hardly exist unless the great majority of citizens, with respect to the great bulk of the law, were law-abiding without knowing it and therefore without resenting it. The punishment of murder by death may incite some few to buy guns; it may deter some who otherwise would buy them; but to most

of us, to gun or not to gun has simply ceased to be a live issue.[9] Except in the case of laws which encroach upon the province of customary self-control and so have a peculiarly irritating implication, like the Volstead Act, we may dismiss the tendency of the fact of government to breed lawlessness as an actual but minor factor in the political life of to-day, whereas the alleged incompatibility between compulsion and moral initiative is a plain psychological error.

63. As to the restriction of liberty, the anarchist's contention is not so easily disposed of. We may remark that in any group the restraint upon freedom is proportionate to the area of contact between members. It is greatest, therefore, in the most intimate associations, as the family, least in the least intimate. Those who, like Mr. Bertrand Russell, call for a type of marriage in which neither partner breathes upon the liberty of the other, call in effect for the abolition of marriage. Restraint in the state will be, in the nature of the case, far less pervasive than in the family; but the issues, when the wills of state and citizens clash, will be none the less keen for that, and may be as momentous for the citizen.

64. But it is evident the questions which the anarchist raises are questions of human nature. He invites us to think of its possibilities in one respect more highly and in another respect less highly than we are accustomed. More highly in respect to the capacity of

[9] This very fact is used by the anarchist as an argument for the growing needlessness of government. Aside from the inconsistency between these two positions, he would need to give some reason for believing that the effect would remain when one of its historic causes was withdrawn.

large masses of the governed for good-will and eventual self-control. Less highly in respect to the capacity of governors to resist the seductions of power. In advance, one might suppose that since governors, in most modern states, are bred from the same stock with the governed, the perfectibility of the governed would bring that of the governors with it, and lessen the power of organization to corrupt the spiritual principle in both.

But we cannot give a final answer to anarchism until we have met for ourselves the psychological questions it raises,—questions of the capacity and moral future of human nature. Meanwhile, both pluralism and anarchism press for an answer to the question, What is it that so distinguishes the state from other groups as to lend color to its pretence to ascendency? What is that unique purpose of the state which contains the secret of its claim to use force?

CHAPTER VIII

THE PROBLEM OF PURPOSE

THE natural answer, when one is asked the purpose of the state, is to mention some of its evident functions, the care for justice, defence, public services, the various adjustive and commotive processes which we have had before us from the outset. But the functions are not the purpose.

The functions are many; the purpose is the *one* of which they are fragments. It is the one end to which they are the several means, which explains their existence and shows how they work together. The purpose of a railway corporation being a certain sort of transportation, it must have the various functions of providing and caring for rolling stock, building and maintaining its way, operating its trains, providing terminals and stations, etc. The purpose evidently stands in the logical position of a premiss from which these various functions are to be deduced. In the case of the state, this premiss is not known; we have given the functions, and we are to find the purpose. By some process of induction, then, we must discover the one end from which the various state-activities naturally follow.

66. But by what right do we take for granted that there is some one distinctive purpose which the state serves?

Most ancient institutions fulfil several objects, and not one only. They survive because, like a good tool, or like great cities which lie not on a single highway but where lines of traffic intersect, and where water and land meet, they are compacted of many utilities. The family serves numerous interests—biological, social, economic, moral: to speak of 'its purpose' seems a narrowing of the fact. Why should not the state, then, be likewise regarded as "a collection of public services," rather than as a collection of means to a single end?

Look at the state as the united power of the community. Power, generally speaking, is not assigned to a specific purpose: it exists as a free possibility, *for any purpose to which it may be applied.* A wheelbarrow is a power: one does not dogmatize about its purpose. It is not to be defined as an instrument for carrying bricks or garden truck: it may serve as a coach for Mr. Pickwick if need be. So with the public power. In any group of men, there are some things which can best be done, each one by himself; there are other things, from keeping down thistles, road and bridge building, etc., to fighting, insuring, taming the bad man, which can best be done by united action. Why not regard the state simply as the public power so organized as to be available for any purpose to which united power can be expediently applied?

67. This view is plausible. It has the advantages of freeing us from strait-jacket theories of the state purpose, which forbid the exploring of new functions on such grounds as that the old wheelbarrow is only for carrying garden truck. It keeps in mind Emerson's heartening reflection that, after all, every law was once

the proposal of some human head, who at that moment was experimenting. The proposals that the state should take charge of education or insurance or railroads or mines, could at least be approached on their merits, without any preliminary horrors due to the doctrinaire nightmares of *laissez faire*.

But we cannot accept it. A public power is in a radically different position from a mechanical power. A mechanical power carries with it no qualification which defines the use to which it may be put. A public power is a power *of* human beings *over* human beings, and may be for them or against them: it can hardly avoid being one or the other, it cannot be left unrestricted in its use. For in all interactions of human forces questions of the legitimate and illegitimate at once arise, as well as questions of the expedient and the inexpedient.

And while we must indeed learn by experiment what can and what cannot be undertaken by the state, there must be some reason for the line between these two. History shows an unquestionable tendency to differentiate the functions of the state from those of other groups; and this tendency has a meaning which lies in the nature of the groups. There are few things now done by the state which have not at some time been in private hands, and there are few private enterprises which the state has not at some time undertaken, from caring for infants to the fostering of religion. But the modern state has groped its way to a sense for its own business through 'differentiation and integration.' It has withdrawn from the official propagation of religion. It seldom attempts to control prices. It has discovered that it cannot effectively promote morality by direct command. It no longer assigns to its citizens

their stations in life. On the other hand, it takes away from these citizens the care for law and order, for the common defence, for the coining of money, the establishment of weights and measures, and various other elements of the 'general welfare.' The presumption is strong, therefore, that the state has a distinct mission of its own which, if we could discover it, would explain these limitations.

We are obliged, therefore, not to give up the search for a conception of the state's purpose which will explain—so far as the state has in fact found its rightful business—why it does what it does, and why it refrains from doing what it does not do. And this conception, if it is the true one, will also be of use in showing the way to *changes* in the functions of the state,—in so far as it has not yet found its rightful social berth. Our problem is not one of pure induction from given data,—we cannot assume, for example, that the use of force by the state is a function in full right,—it is a problem of induction from the functions which the state *ought to have,* and from exclusion of functions it *ought not to have.* We are in the position of the astronomer who has plotted a number of points in the orbit of a planet, and finds them deviating on one side and another of an ideal curve. He is bound to connect the given points, as a good realist; but he is bound also to use his head in perceiving at what ideal curve these several positions are aimed. Unless we find the *true* purpose of the state from amid more or less approximate realizations of the purpose, our inductions will have no value. We must be realists, with a sensible eye to the ideal. In brief, we must at once induct and *interpret.*

68. How shall we proceed with our induction?

There are no strict rules for finding the one of a given many. In the end, the uniting idea is always an hypothesis, reached by a good guess, and tested by its power to explain the several functions and non-functions. This hypothesis may be simply the result of a *coup d'œil* on the part of a mind that has immersed itself profoundly in the multitudes of facts. *Intuitive induction,* we may call it. This was the method of Aristotle, and since his great example the favorite method of political theory.

Aristotle boldly, and dogmatically, assigned to the state the purpose of providing for "the best life," i.e., for the highest good, so far as that good can be reached in human society. This formula has the merit of providing for all the functions of the state; it has the disadvantage of excluding nothing. The best life is simply the end to which every action is a means. And in Aristotle's conception of the state, this was not conspicuously out of accord with its position in human life. As we were saying, Aristotle had before him no church, etc., to contest or divide honors with the state.

For Augustine the perspective is radically different. He uses the same method, the privilege of genius. But he takes it that at least half of the *summum bonum* must come within the purpose of the spiritual community. The earthly state may aim at the *pax terrena,* but the true or inward peace can only be found *in civitate Dei.* And in this word 'peace' we may see another departure from Aristotle. For peace of the earthly sort is not the "best life" in all its fulness: it is simply one of the necessary conditions of the best life. The purpose of the state is on the way to a circumscribed definition.

Now Thomas Aquinas had both Augustine and Aristotle before him: and furthermore, he devoutly believed that both were right. He also uses the method of intuitive induction; but he has the additional puzzle of making his two masters agree. His result is this. The best life is indeed the highest good for man,—it is the end: peace is the primary and indispensable means.[1] This means becomes the end of the specific institution. Thus Aquinas comes to a conscious statement of the principle often since repeated, that the state can supply only the *external* conditions for the good life, not that life itself: the purpose of the state is the stabilizing of physical peace.

69. But in the course of time, intuitive induction leads to an unresolved diversity of counsel. Political philosophy needs and has discovered certain aids to intuition. The "*contract theory*" involved such an aid; and, indeed, it was the primary aim of the contract theory, as I shall show later on, to bring the purpose of the state into clear relief. It is evident that if men enter into an agreement for the sake of securing the benefits of organized society or of government, they must achieve a fairly clear notion of what those benefits are, and what they may reasonably surrender to secure them.

In more recent years, a powerful aid has been found in general principles of the *interpretation of history*. Recall that it is an interpretative induction that we re-

[1] With this conception of the state's purpose, Aquinas deduces a list of political functions which has a peculiarly modern ring: his induction was by no means purely realistic. To secure stable peace, the state must keep up the population, attach rewards and penalties to right and wrong conduct, maintain the roads, establish weights and measures, including coinage, provide for the poor, etc.

quire. The economic interpretation of history carries with it an economic interpretation of the state's purpose. Likewise other interpretations of history.

We shall gain what we can from all of these methods. Induction is still a free process,—there is no one method to achieve it; and men who cannot claim the privilege of genius should scorn no aid to insight. But we shall begin with the simplest of all methods, that of comparing the state with other groups, in the hope that some new aspects may come to light.

PART II

THE STATE AND OTHER SOCIAL GROUPS

CHAPTER IX

EXTENT IN SPACE AND TIME

WE may begin our comparisons with the physical aspect of social groups, their measurable extent.

The state, as the typical Great Society, has doubtless enjoyed a favoring prejudice on account of its relative magnitude; for under some circumstances quantity seems a more than superficial trait, as the relative bodily bulks of parents and children, fortunate for family discipline, symbolize a natural relation of authority. In the simple scheme of grouped groups which Aristotle bequeathed to the willing imagination of mankind the physical extent of the state was the external counterpart of its inclusive purpose: as its boundary enveloped those of the village and the household, so its end was conceived to contain and subordinate theirs.

We can no longer accept either that simple picture of the all-inclusive state or the conclusion from it. Aristotle was hardly unaware that his scheme was a simplification of fact, or that even in ideal his city-state could be self-sufficient only by courtesy. For many a group, typified by pairs such as buyer and seller, necessary to each other, and especially to the life of Greece, straddled then as always the lines of political separation. Religious communities also, with the advent of the great proselytizing religions, and of the

mystery religions spreading over the nearer Orient from the sixth century, B.C., onward, had ceased to regard political outlines as natural limits. And now, certainly, as associations of many kinds, commercial, scientific, industrial, etc., take their memberships everywhere without regard to the bounds of nation-states, that hierarchical picture is thoroughly riddled.

71. Still, one characteristic distinguishes all these more widely dispersed groups from the state: their membership is *selective;* that of the state includes the entire population of its territory. In this respect it remains the most comprehensive of associations, with the exception of the church in certain conceptions of its membership.

And, further, we have to distinguish between particular states and *the state:* to cross a line from one state to another is not to leave state-life behind, in which respect 'the state' is anything but an abstraction of no practical significance. The very spread of those organizations which have reached international scope is partly an effect and partly a cause of an extension of *the state,* which tends to be world-wide. No spot on earth is now immune from a bombardment of travel and trade whose bearers are always impatient of two things, the nuisance of the frontier, with its arbitrary demands, inspections, delays, and the nuisance of doubt about the minimum of safety or justice implied in political life. The combined force of all these wandering monads is now so great that it has a perceptible action like the eternal wash of waves in spreading a common level of primitive political assumptions everywhere, creating something like a universal statehood.

In 1797, Kant formulated a principle of the rights of

men as citizens of the world, of *Weltbürgerrecht*,[1] based on the idea that inasmuch as the surface of the planet, being globular, is finite, no one ought to hold a right in any of it to the complete exclusion of anybody else. Each one of us has a minimal claim everywhere, —the right to receive hospitable treatment as visitors and seekers of trade,—nothing more. This principle, on which mankind is implicitly acting, carries with it the ubiquity of a minimal political life.

72. I do not say a world-state. The process in question had no necessary tendency to destroy national distinctness. On the contrary, it emanates from the particular nation, and is an extension of its activity: it is the tendency of each nation-state to follow everywhere the interests of its members, and so, with their movements, investments, plans, to make itself universal.

On the Yangtze Kiang and the Si Kiang, the United States was maintaining in 1924 nine gunboats for the purpose of protecting its nationals and their enterprises against pirates, bandits, irregular soldiers; and a recent bill asks for six more of these boats. At a cost of three quarters of a million a year, the United States carries on what would normally be a function of the Chinese government: during the temporary weakness of that government, it recognizes the lapsed functions as its own.[2] They are exercised, it is true, in pursuance of treaty-rights and with the consent of the Chinese government. But treaties of this sort, like the treaties providing for extraterritorial courts, or for the open-

1 Zum ewigen Frieden.

2 Conversely, when the Chinese government is strong, as prior to 1912, it may be presumed to exercise these functions, so far as they affect our citizens, *for the United States*.

ing of ports to trade, are based on an extension of the Kantian idea of *Weltbürgerrecht,*—the responsibility of each state to protect everywhere this minimal *Weltbürgerrecht* of its own citizens,—and one must add, to punish everywhere, or abet the punishment of the crimes of its own citizens.[3]

It is not alone *the state* that is everywhere: it is each state that is everywhere. As state-interests and domains interpenetrate on the high seas, so their destiny is to interpenetrate throughout.

Given, then, any state at all, no spot on earth is safe from the contagion of the political type of association. It belongs to the nature of the state to make itself all-inclusive in space.

73. And this circumstance is indeed significant of the unique place the state holds among social groupings. *Its universality permits all other associations to assume whatever extent, world-wide or local, their nature dictates.*

It might be supposed that ubiquity of state-life would imply a certain monotony of culture. The reverse is the case. Where the state is absent or undeveloped, there we find that other groupings swell in importance by undertaking state-functions and tend to

[3] There are at present four conflicting theories as to the jurisdiction under which a criminal whose crime is committed in, or affects the nationals of, a foreign state, should be brought to justice. If an American kills an Englishman in Switzerland, shall he be apprehended and tried by the Swiss government (forum delicti commissi), by the American government, by the English government, or by whatever government can find him,—the principle of cosmopolitan justice? The last view, favored by Italy, would follow from the proposition that every state, in respect to the minimal requirments of political life, must either regard itself as agent for every other state or permit the agents of interested states to act within its territory.

lose their own character. Under patriarchal conditions, the family is distorted: each member is immersed in a deluge of his kindred and hardly in a lifetime moves beyond their reach. And so far, a patriarchal society in Arabia closely resembles one in ancient Wales or India. Where the state has come to its own, the family has the importance for any member that is due it, and no more. One normally dips into it and out of it in the course of every day's movements. And types of the family vary from state to state. Likewise, given the state, the occupation group is neither coextensive with social existence nor compulsory in its claim. The thought of leaving employment here and seeking it elsewhere loses its formidable aspect. As for the religious community, one may find his own in the remotest corners of the globe; but one is not obliged to find it in every corner, nor in any.

In sum, it appears that the universality of the state allows other associations to be local, if they ought to be local, or universal if they ought to be universal. So far, it tends to make them free in respect to their membership and extent, and their members free in respect to them.

74. In respect to time, some associations are temporary and some few intend to be permanent. It is too soon to say that any one of them has attained the latter goal, but the state is among the aspirants: it intends not to die. It is not alone in this respect. Most of those groups which have achieved the dignity of 'institutions' look forward to an indefinitely extended future; the religious institution in particular claims for itself a perpetuity better founded than that of any earthly state.

75. The state's will-to-persist is peculiar, however, in this: that it aids all other would-be-permanent things to endure. We saw at the outset that the political art holds the final secret of social permanence, if that secret is to be found at all: but it holds that secret first of all for groups other than the state. Its own permanence is the implied permanence of the art of making *them* permanent.

There are certain human interests whose nature it is to grow, and to continue growing forever, without reference to the state. It requires no state to make art or science grow; and no state could make them grow. It is their nature to branch out perennially from a stock that is conserved, added to, and in some measure replaced. Generations of scholars and artists act as spontaneous curators, rethinking all that has been thought: they learn, they remember, they invent and improve and thereby they create, without separate intention, both the mental continuity and the change which the growth of culture requires.

But what is the source of this personnel? Art and science attract their own: but can they create the social margins, or keep them, which allow these heads to engage in those traditions? They cannot assuredly protect so much as the material basis which every mental continuum necesssarily has,—the libraries, laboratories, museums. Not the permanence of their life, indeed, but their security of permanence must be borrowed from an agency which, as it were, *deals in permanence;* and the state seems the natural lender in this respect. For though some arts and sciences have survived (after an unknown number of truncated beginnings) and have grown on through the wreckage of passing states, they have done this only so far as state

has given way to state rather than to chaos. State-life in time, like state-life in space, has a continuity which no single state can boast.

When Walter Bagehot said that the state provides a "calculable future," he had in mind the enterprises which take time,—the canals, roads, corporate plans, for which the heart would be lacking unless the head could foresee a long-continued use and reward after the investment is made. Most of the typically civilized labors of men flourish because of the calculability of their future or of its probability. But the state exists as well for the *cumulative past*. It supplies a necessary condition for the evolution of those human interests whose nature it is to evolve in political forgetfulness.

76. But the endurance of the state also aids all transient groupings and enterprises to pass. The state stands behind them all in such wise that if men drop out of *them,* they drop not into vacancy but into the state. If other groups dissolve, their members start new building not from a social zero, but from the perduring sub-community of citizenship. Persistence of the state is thus not hostile to social change,—i.e., not intrinsically hostile: it is a condition under which social change can most freely take place.

We may say of the state in time, therefore, as we said of it in space, that its extent reveals a functional relationship to other groups. *It supplies a necessary condition of durability to whatever ought to endure, and of transiency to whatever ought to be perishable.* It gives other groups their freedom in the time-room of history.

CHAPTER X

RELATIONS BETWEEN MEMBERS

AMONG social groups we can distinguish roughly two kinds, according as the bond between their members is impersonal and abstract or personal and concrete.

Groups whose activities make up what we call public life are of the former sort. They are concerned with their members—and their members with each other—not in their whole personal capacity, but only in some phase of it. An occupational group, a party of engineers, a farmer's grange, a board of trade, estimates its member primarily as a worker, values his skill and knowledge in the field of his specialty, and beyond that makes no enquiry into the manner of man he may be.

Groups whose activities make up private life are mostly of the latter sort: here the prime interest is not in technical skill and knowledge, but in the total person. The area of contact between members of such groups is greater; the bond between them is woven of many strands; and in the sense of the saying that blood is thicker than water, the blood-bond of the family is thickest of all.

In the same sense, the political bond appears the abstractest and thinnest of all. It is an evident rule that the larger the number of men we bring into association, the smaller in general will be the volume of their common interests. If the political community is the

most extensive in space and numbers, we should expect the content of its common interest to be a minimum, and the bond between fellow members the most evanescent. The judgment already encountered, that men have more in common as members of their minor groups than as members of the state, would be justified as a mere matter of mathematics. And in fact, if we take it by itself, severing it from the primary human groupings, the political bond seems extraordinarily empty, impersonal, lifeless.

78. But the state is not severed from the primary human groupings, and there may be a fallacy in considering it by itself. The appearance of emptiness is greatest when we take the state as composed directly of individuals, who are visibly no more to each other than coresidents of the state domain. But if we gather these individuals first into groups with definite interests, and then regard the state as concerned primarily with these groups, the state bond appears more substantial. It is not as apart from group life, but as directly occupied with it, that we have so far seen the state. The political art appeared to us at the outset as favoring the permanence of associated life. And so far as the extent of the state in space and in time showed a state-function, it was that of making free the forming and delimiting of inner groups. As a matter of history, political life has long been merged with the life of other groups, and the political tie has received the direct advantage of being inseparable from the tie of blood or of religion. And through a still longer period, the state dealt directly with groups rather than with individuals; the state was composed of the groups, and only indirectly of the persons in them.

Primitive social life hardly distinguished the individual, even as a moral agent.[1] In mediæval Europe, feuds, fines, levies, rested on family, village, mark, guild, clan. The feudal regime was a device for reaching individuals through an intermediate pile of belongings: the being at the top had no direct dealing with the ultimate social unit. And what is it we represent in modern governments? We have the deputy from Lyons, the member from Oxford University, the senator from Iowa; we have representatives of labor, commerce, agriculture in the cabinet. We represent groups and group-interests, not individuals.

But how is it in the work of the state as judge and arbiter? It is individuals who come into court: corporate groups also, but chiefly individuals. True, but what does the judge see in them? Is he not bound to see in them the universal interests they embody, those, namely, which were contemplated in the law he finds applicable, and which knew nothing of these individuals? Judicature is applied legislation: legislation in turn is prospective judicature. Hence the parties that *ought to be represented in* legislatures (and which in their absence legislators try to imagine) are the parties that are later to appear in court as testing the statute,—not the individuals, but the spokesmen of their interests. The state is concerned at each turn not with the abstract resident, but with the interested and occupied self, and that is, generally speaking, a group self.

[1] Aristotle's hierarchical picture of Greek political life need not be strained beyond its meaning to contribute to this case. Fustel de Coulanges states the group conception more unequivocally: "Ainsi la cité n'est pas un assemblage d'individus: c'est une confédération de plusieurs groupes qui étaient constitués avant elle et qu'elle laisse subsister." *La cité antique*, III, 3, p. 145 (ed. 1912).

79. This situation is reflected in political theory. When the social contract theory was in vogue, it was taken as self-evident that the individual was the unit of state-life; but earlier and later times have held different views. Bodin at the close of the sixteenth century, and Althusius at the beginning of the seventeenth, taught that the state is composed of corporations; Mirabeau, in the heart of the French Revolution, defended the same notion. And the idea is revived to-day in a new form by thinkers such as Durkheim, Duguit, Schaeffle, Maitland, Figgis. What we have in common as inhabitants of a given territory seems to these thinkers too tenuous to constitute a political bond. Look at a miscellaneous herd of voters assembled at the district voting place, unacquainted and uninterested in each other; and ask what their common citizenship means to them. But sort these same people into their several occupational societies, their trade unions, their professional associations, and we have a common interest with substance in it, such as might enter as a unit into state-life. Thus Professor H. A. Overstreet:

"Always in history, political effectiveness has had its source in common understanding, in common enthusiasm. Where men work at the same trade or pursue the same business or follow the same profession, there is an identity of interest that makes for group solidarity and power. A perfectly clear principle of psychology is here involved. Where two or three are gathered together who are of widely diverse interests, there can be little save trivial talk of the time and of the weather. When on the contrary, there are gathered together those who are of like interest and understanding, there results a mutual enhancement which makes

for the greater power of each and all. The weakness and timid superficiality of our political life to-day are due, in large measure, to the fact that the state is made up of groups of the first—the talk-of-the-weather type. Our political life will come to power only when the state is transformed into groups of the second—the organic—type.''[2]

The abstract individual of the eighteenth century has been found to be a myth—such is the trend of judgment in contemporary sociology; the life that runs through him is the life of his social milieu. None of his vital interests stands alone. Represent *them,* and you represent all that makes him fit for political life. Represent *him,* and such as he, and you represent nothing at all. And a state composed of zeros is but a great zero. The state then must be composed of groups, and of group-interests, such as come into evidence when men fuse together.[3]

80. The argument is plausible. Nevertheless it is based, I believe, on a misreading of history, and re-

[2] *The Forum,* July, 1915, p. 12.

[3] ''All phenomena of government are phenomena of groups pressing one another . . . there are no political phenomena except group phenomena. . . . The society itself is nothing other than the complex of groups that compose it. . . . We shall never find a group interest of the society as a whole . . .'' A. F. Bentley, *The Process of Government,* passim.

To the same effect is the theory that men must be represented by functions and not by localities, since the function is what men have in common in their group-life. Thus G. D. H. Cole, *Social Theory,* ch. vi: ''True representation, therefore, like true association, is always specific and functional, and never general and inclusive.'' See also Charles Benoist, *Pour la réforme électorale,* 1907, and L. Duguit, *Traité de droit constitutionnel,* 1911, I, 388.

sults in an almost total failure to see what the political bond actually is.

When all the major social relationships were merged in the tight-knit unity of patriarchal society, each several bond since distinguished seemed to enjoy a higher vitality. Conversely, as the several group-interests found their autonomy each tie has seemed to lose in strength. And if there were any one of the original amalgam of interests which behaved as a *residual* interest, i.e., which threw off group after group as special interests defined themselves, that residual association would ultimately appear to have the slightest bond of all. The state, through a portion of history, has behaved as such a residual group: it has parted company with kinship groups, with occupational groups, and somewhat uncertainly as yet with religious groups; and the process has been less as if fellow-travelers were taking divergent routes than as if an elder were granting independence to a younger. The state bond has become tenuous as if by its own free act. Let us look more closely at certain phases of this process.

Few achievements of political evolution have been so difficult and so momentous as the severance of the state from the kinship group. But lately in lingering regions of western Europe, as in the early history of Greece and Rome, we can trace the slow assertion of the truth that persons who belong together by blood are tied by nature rather than by reason; and that if men are to make the most of the salient purposes of life, whether war, or artisanry, or commerce, or even agriculture—the typical family-craft—they must select their associates according to aptitude and availableness, not according to birth. With the progress of

this notable idea, villages, markets, cities slowly abandon even the ideal of being local clusters of kin-folk; and accept the fact, without cover of legal fictions, that they are inevitably centers of classified activities whose personnel is chosen, as it were, by the activities themselves. But note that the cause of fitness *versus* birth makes its way first in the more technical and commercial groups: the trades and trading in their nature are relatively free from the obsession of family, and are correspondingly despised and feared while that obsession lasts. The political bond seems to part most reluctantly with the family qualification; that qualification disappears from among the governed long before the governing groups abandon it, and it is never entirely relinquished until democracy makes its way clear. Long after the theory is given up, outsiders are made to feel their disadvantage in having only their personal fitness to recommend them as political associates. For after all, fitness is always abstract, applies to but a fraction of the man, whereas birth affects and qualifies the whole being. And a code of law and custom was felt to be a sacred thing, an expression of the character and genius of a race: how, then, could it be applied by any, still less, be administered by any, who do not share that character and genius? It was because the political bond felt itself to be concrete that it resisted and still resists, even in democratic England, the loss of the blood-qualification as support and protection.

Nevertheless, those who live together, work together, deal together, quarrel together, and face enemies together, must be ruled and judged together: the force of this logic proves eventually stronger than tradition. If the rational criterion of fitness invades the component groups, the state cannot permanently hold out.

Law, order, and defence men must share locally; and if the locality holds a mixture of breeds, law and order cannot forever thread a separatist course among them. The state must come to deal with men as coresidents: it must come to what is often called a 'territorial' basis.

But coresidence is not left as the sole meaning of the political bond. In the case of Greece and Rome the more hospitable state called to its aid a more hospitable religion. Justice and order and war in the persons of Zeus[4] or Mars could be appreciated in their divine character by worshipers of every birth; local gods and goddesses, especially of the city, assumed the care and accepted the devotions of every inhabitant; the mysteries private and public discarded the question of origin as irrelevant to the cult. The worships peculiar to family and tribe disappeared from the public gaze. In the Athens of Kleisthenes, the old gentile organizations were kept up mainly as private religious clubs, in which a departed family glory could be worshiped as freely and innocuously as among ourselves by the descendants of the heroic New England of the Mayflower and the Revolution. Thus a kin-free state was left in position to strengthen its bond by common participation in a kin-free religion.

The victory for reason and the territorial state was bought, in these cases, at a ruinous price. The new deities could not command the devotion that had been spontaneously given to the old. The loyalty which

[4] Zeus' original character as sky-god or thunder-god fitted him to serve as god-protector of hospitality, and of all other ventures that bring the strangers and the kinsman under the same dome of law. *Zeὺs Ἀγοραῖος*, or *Δικαιόσυνος*, was not limited to the Greek race in his function. Cf. Farnell, *Cults of the Greek States*, I, 159 ff.

passed readily enough from family to state failed in both directions when the two were severed: and a world of individuals full of their own interests drew the most tangible conclusions with regard to the obligations of their several relationships. The age of discussion, of world commerce, and of philosophy was no more favorable to the pieties of politics than to the pieties of religion; and Greece gave up her political ghost to the Macedon and the Rome which in due time followed suit. The dissociated political bond was indeed too insignificant.

Yet no one to-day doubts the reality of that advance; and no one proposes to go back to the hereditary or racial limit of state-membership. On the contrary, it has become a fixed conception that political relations must hold good without respect of family or race, so long as nationality is preserved; and nepotism, once the essence of political right-mindedness, now ranks as a crime. If the political bond is too feeble to stand by itself, it may adopt other allies, but not the bond of blood.

81. The feudal system was an attempt to make use of such other allies, while retaining as far as possible the support of heredity in the ruling ranks. Coresidence in the domain was the accepted basis of politics; but ties of property and of personal loyalty were added, and this weird mixture was fused in a semi-religious sentiment.

This merger proved less durable than its predecessor. Its passing is particularly pertinent to our present argument; because it was mainly the work of strong rulers breaking a way through the intermediate groupings to the unit citizen. Who was to be responsible for

defence against the Turk, or for the equipment of a Crusade, or for keeping turbulent vassal-chiefs in order, or for common justice? The answer was seen to hang together with that of the question, who was to have access to the new sources of wealth, as commerce revived and communications were cleared. So far as these functions can be made the king's business rather than that of his several barons, he will maintain his own armed forces, and hold all his subjects liable directly to him for service; he will have the *arrière ban* as well as the *ban;* he will call for taxes from all (and if they are for a Crusade, the Church will support his demands); he will hold his own tribunals, and lure into them by ingenious writs cases that might otherwise have paid toll to his under-lords; and he will summon 'representatives' who will answer for local payments, and give estimates of taxable property, not merely of burgs, but of individual burghers.[5]

The great monarchs thus blazed their way to the people,—as tyrants and pickpockets to be sure, but also as judges and lawgivers. And this channel once

[5] At this point I find myself obliged to differ from Professor Beard, in his statement that "The governments founded and developed before the nineteenth century were in fact complexes of group interests. Nowhere was the representative system, in its origin, designed to reflect the opinions of mere numerical aggregations of human beings considered in the abstract apart from property and employment." (*The Economic Basis of Politics,* p. 69.) The second sentence is literally true, but it does not lend the support to the first sentence which its position implies. The representative system in one of its origins was a way of getting at property in private hands, and of ignoring groups of any kind in order to get it. And as for the growth of the suffrage in the United States, while it is doubtless the fact that an insufficiently represented middle class adopted equalitarian theories and the social contract less for their individualism than to rectify an unfair balance of political power, it remains to be shown that they adopted these views for themselves alone, or for their property alone.

opened between citizen and state, the current of political power could flow either way, from government to people, or from people to government: the presumptions of despots were creating the mechanisms for liberty. But in any case, the individual is forcibly reminded that his concern in the state depends not in the least upon his concern in any of the complex and imposing mass of minor social structures. His money will be taken for the state coffers; his body may be called out in the state service; and it is for him to look to the state for whatever he can expect in return. He is caught in the meshes of state doings, not as any duke's or viscount's man, nor after the Reformation as the church's man, but as John Doe, with a body, a soul, and withal an estate to save.

82. The individual man thus becomes the apparent unit of political fabric: the intermediate associations become conveniences, not essentials. They may come and go: he remains. All their virtues are contained in him, as formerly all his virtues were contained in them.

But it is the state that helps him to stand apart from them. The individual is not the abstract and pre-political man of the contract theory; he is the man resident within the domain whom the state has found and given independence from his social swaddling clothes. Once more, then, the political bond had undertaken to stand by itself, more purely 'territorial' than before; but now the change brings no catastrophe, unless the democratic revolutions were such,—no catastrophe, as yet, that involved loss of the state. The new bond has a sturdiness which the ancient lacked.

83. In both cases,—breaking away from the blood-

bond, and from the feudal bond,—the advance consisted in two things: First, in reducing to normal proportions the importance of the type of bond merged with the political bond, by compelling it to stand on its own merit. Second, in lighting on coresidence, not as the essence of citizenship, but as its *sufficient sign.*

Coresidence is not the essence of the state bond; it is the abstract frame upon which the state bond develops. For given the state, coresidence *immediately ceases to be a simple spatial relationship.* Physical propinquity is robbed of the excessive claim it makes on attention apart from the state. In the wilds, the near neighbor or the accidental passer-by acquires, as it were, a mechanical importance; he is an uncertain power for good or ill, and cannot be unstudied. The presence of the state, while depriving no one of friendliness or hospitality, destroys the kind of pressure which contiguity apart from good will is able to exert. And while the immediate neighbor loses the magnification of his near perspective, the remote neighbor loses the disadvantage of his distance. The out-of-reach person, who apart from the state can mean nothing to me, cannot remain an alien, nor yet a mere coresident. For as people accidentally brought together on shipboard find the concourse of unrelated atoms achieving character, so common locality under the state acquires a concrete meaning, remains no talk-of-the-weather union. To live under the same skies, over the same soil, subject to the same touches of nature, rude or gentle, that make men kin, and meanwhile using the same laws, and beat upon incessantly by the same effects of history, wears out alienness, and substitutes for the tie of blood a tie spun of the intercourse of will and reason. The geographical outline of a political unit is

an empty vessel which time fills to the brim with the essence called nationality. Habitat effects no miracle; but habitat with political coöperation will do so.

But further, coresidence is not a relation which distinguishes the state bond from that of other groups. It is an *ingredient in all other groups.* Being together in space and time may be regarded as a *condition of the possibility of all group ties whatever.* The membership of groups may be dispersed as you like, both in time and in space; but they depend on continuity with a communicating nucleus to keep them alive as a group. And while improvements in communication "annihilate space" more or less, by appeal to intermediate mechanisms, all human communication for all time will be based on the nuclear group which requires no mechanism to carry on conversation. Nothing will abolish the city as a collection of conversing *pairs* which maintain conversing reach. Thus all the durable relations of men have a territorial ingredient; and a society based on 'population' would have within its scope most of those pairs of persons for whose dealings laws are made, and most of those groups in which the interests of these pairs are sharpened and weighted. And the only association which would certainly include all pairs and all groups would be one which would include the loci of all bodies of communicating persons, i.e., such a universal territorial association as the state tends to become.

84. Agreed, then, that the unrelated individual is as insignificant as contemporary critics of the eighteenth century make him out, what we assert is that the individual member of a territorial-political group is *not an unrelated individual.* He is caught in the basic mesh

upon which every further significant human relationship can be embroidered: he is 'introduced' to a nation.

Merely as citizen, he has no social life, nor yet any political life; for there can be no concern in law and order where there are no interests to clash and to be ordered. But he has the promise and potency of all of it. What the evolution of the state has achieved is to make individual men aware of themselves as ultimate denominators of all social groups, and of the limiting bond of space and time and 'pure reason' as the *prior condition* of any successful social life. The discovery of what is *a priori* always comes late in time. It is a notable achievement of self-consciousness to be just, not because we are kin, or fellow workers, but merely because we are fellow men sharing the history of the planet. To take our neighbors politically is to take them, precisely not as fellow producers or consumers or craftsmen or kindred or coreligionists or colinguists, but as men who have no concern which takes precedence of their concern in reason.

What the state bond means is that given any two men dwelling together in space and time, there you have two men concerned in justice (to take one object of state action as typical), whatever dealings they may set up between them. It is a fact which men hardly see until they have had long experience with social groups; but when the state finally shells away from these groups, the truth has been discovered. It is the register of the fact that men recognize justice as prior to society,—not made by it, but a necessary ingredient of it. It is this developed sense of the priority of justice that finally sustains the independent state bond. The state being nothing other than the register of this sense, if men were not just prior to the state itself,

there could be no state; the 'territorial' state persists because the will-to-justice is seen to be an inseparable part of the individual as *Erdwohner*. When the phratries have retreated and Pericles is gone, the *nomoi* are still there, if only the citizens can see them; and they are the substance of the political bond.

It is necessary to the meaning of this bond that it should not be merged with any other, least of all with the clashing interests of the economic groupings. To be a constituent element in all other groups, and yet to keep them objective to itself, requires that the state assume what appears to be a minimum of common concern, though as the prius of all common concerns there can be no higher concern. In so far as contemporary sociology insists that the state is a group of interests, sociology is the misleader of political science. It is loss of the sense for the universal that can find no soul in the territorial state; it is the state-blind that call for a merger with occupational groups that the state may have substance.

It is not the least of the strange inconsequences of this type of political thinking, that, refusing to deify the state because the state thus threatens to absorb the individual, they willingly allow the individual to be absorbed by his various groups, and so to lose not only his selfhood, but the unity of the ghost that remains of the vanished self.

85. We must add that the differentiation between the state and other groups on the ground of prior conditions is never perfect. The state retains something of the character of all the groups it parts company with.

Thus, in spite of the ideal of political reticence char-

acteristic of the modern state, it has never succeeded in putting off completely the functions of the aboriginal family. In a purely *laissez faire* regime, the mature individual in public life would sink or swim by his own merit alone. But there is a limit below which the state will not allow him to sink. It stops the descent with punishment and charity—time-honored functions of the family. And it insists, in growing measure, on education as the business not of childhood alone but of all years, so long as the human substance remains plastic. As we begin to recognize that all occupation, trade-life, factory-life, professional life, mould character and intelligence the state rescinds its contract of indifference. It must remain parental as long as its citizens remain educable.

86. The ideal of public life as a sphere in which impersonal law reigns, silent and inevitable like the laws of nature, is a genuine ideal: the state seeks it and abets it. It looks with rightful distrust upon any who raise the cry of humanity versus law. But the state has not fallen under the delusion of some who cry for law versus humanity, that this ideal has been already reached; and that the specific understandings under which we now regulate life and property are so nearly perfect that they may take their places with the laws of nature. In the play of nature, no ultimate atom can be broken or lost; but so much cannot be said of the units of society in the play of existing political rules, or of the rules of the various groupings within the state. For its own failures and for theirs the state stands in the breach. The political bond which remains, then, when other bonds are broken is not merely that of a mechanical or ideal abstraction: it is neither blank

"space" nor "the common law" nor yet the historic nation. There is still a wraith of personality, as in the feud, and of parental care and pride, as in the patriarchate, though the official consciousness as yet gropes blindly for the sanction for what it does on racial instinct.

87. We saw that the permanence of the state in time was a condition favoring the freedom of other associations in time; and that its totality in space likewise favored the natural definition of their scope. We may now add that the "territorial" basis of the state,—its deliberate reserve, abstraction, and impersonality,—favors the free development of both private and public types of bond among the lesser groups. It takes to itself the non-rational bond of spatial contiguity, making it significant, and setting other groups free to ignore its otherwise strident claims.

The state can reach its ideal of reticence only as other aspects of public life reach their own perfection. But any attempt to enrich or stouten the political bond with new alliances, occupational or other, while decrying neighborhood as meaningless, would be a long step in arrear.

CHAPTER XI

ORIGINS

In dealing with the state, we ought to remember that its institutions are not aboriginal; that every one of them was once the act of a single man; every law and usage was a man's expedient to meet a particular case; we may make as good, we may make better.

Emerson, *Politics.*

Das menschliche Geschlecht ist einmal geschaffen worden mit gewissen angebornen Gaben, wozu die Sprache und der Staatsbildende Trieb sicherlich gehören.

von Treitschke, *Politik,* p. 18.

A DISTINCTION is frequently drawn between social groups of artificial origin and groups of natural origin. What is the exact sense of this distinction, and does it help us to discover the place of the state in society?

If we understand by an artificial group one which is created by voluntary act, assembled for a specified purpose, like the corporation, there is a recognizable difference between such groups and groups such as the family which are not devised, but grow.[1] On this showing, most modern groups would appear to be of the artificial variety. They are products of a skilled technique of group-making, encouraged by lately won lib-

1 This distinction coincides in part with that made by G. D. H. Cole between the 'association' and the 'community' (*Social Theory,* pp. 26 et seq.), the community being composed of members who naturally belong together while the association is composed of members whose togetherness has been gotten up. Cole's conception of the community

erties of association. And they have the experimental character which goes with the artifact: there is high mortality among them. In contrast to all such mushroom growths stands the family: no human head promoted it; it can hardly be said to have had a beginning in the human species—a natural 'origin' would seem to imply an absence of origination; there is no part of history where some form of it is not found; it is not likely to disappear.

And this distinction would appear to have some significance, inasmuch as natural groups might fairly claim a greater importance and authority than the artificial groups. Defenders of the authority of government have been inclined (since the appeal to divine right is no longer telling) to claim for the state a natural origin—von Treitschke's remark quoted at the head of the chapter may be taken as an instance; because to the evolutionary eye, what is made by man may be a mistake, whereas what is made by nature has a putative guarantee of fitness in the world. For the same reason critics of the state, pluralists and anarchists, together with reformers, are prone, like Emerson, to dwell on the elements of invention and manufacture in state-building: for whatever is man-made may with advantage be otherwise made, or even unmade.

89. And the state lends itself to both sides of the argument; for it has apparent affiliations with both the natural and the artificial type.

appears to be drawn upon the model of Gierke's *Genossenschaft*, distinguished by Maitland from the relatively artificial *universitas*, established by a political fiat of incorporation, and the *societas*, or partnership, established by contract. We shall have to do with these designations in a later chapter.

With the artificial type. For every known state, like every known law, has been set up by some deliberate act of agreement, settlement, or war. It is always the result of a conscious commotive process. The special forms of these acts are indeed so varied as to defy generalization. We can find states formed by conquest, by defensive consolidation, by usurpation; we can find states planted as colonies, or nursed into being by other states, or shaped by the accidents of dynastic convergence or splitting. And now that states have been so long in the world that analysis and mental reconstruction of them is a widespread mental occupation, and the Lockes and Benthams of modern times have been employed in drawing up charters for actual states, and not for Utopias only, we can find specimens as intentional in their manufacture as any industrial corporation. And some few we can find which had their origin in a political compact, like the state which was born aboard the Mayflower. To attempt to draw from such diversified records a doctrine to the effect that the state originates in war, or in economic control, or in mutual aid, or in contract, would be an act of will not of science.[2] One can only say what might be granted *a priori,* that each individual state has arisen in the voluntary deeds of men; and "every one of its institutions was once the act of a single man; every law and usage was a man's expedient to meet a particular case."

2 To list and classify all the modes in which particular states have arisen is a task worthy the industry and learning of a Bluntschli. It will hardly need to be done again. For while the versatility of the historical spirit in the launching of political enterprises has its own interest, a complete array of all such facts would as little reveal the origin of the state as a museum of methods of courtship would reveal the origin of the family.

On the other hand, in all the marks of a natural community, the state resembles the family. It has had a career from imperceptible beginnings; it is not at first an object of separate devising; in some form or other it can be traced wherever men coöperate in numbers. Children are born into the state much as they are born into the family: whatever their subsequent relation to it, their first relation is involuntary. Further, the fact that the state was so long bound up with family ties and authority argues a kindred naturalness; while its emergence from that union in similar ways in diverse times and regions can be well understood if we suppose the transition governed by some natural law of growth. And for that matter, the successful assumption of a territorial basis strongly suggests that the political arrangement is itself natural: for hardly could a wholly artificial association of mankind be at once so indiscriminate and so successful.

90. This difficulty in classifying the state is due in part to the fact that our distinction between the natural and the artificial is far from being logically clear-cut.

If we mean by the artificial the voluntary, it would be hard to mention an association of any significance that lacks this quality. *The family* as a generic entity may be said to have grown: but certainly each particular family, quite as much as each particular state, is *made,* founded by the will of at least one of the partners, and commonly built into the larger community by an act of public assent.

In what sense, then, can the family be called natural? In the sense that the voluntary acts of choice and con-

sent that enter into it are mounted on an involuntary base. Marriage is a matter of will: the disposition to marry is not. It is not the absence of volition, but the presence of a durable instinctive foundation that marks the family as natural.

And this is the point of the distinction. Haphazard crowds aside, there can be no such thing as an involuntary group. But in some groups the intelligence and will that form them act in the services of *permanent mental needs* which if not satisfied in one way and time will seek satisfaction in some other way and time. And in some of them the actual advantages sought by the instigators are but a part of the goods which actually accrue, because of what I might term the *excess fitness* of the arrangement to human interests. Such groups deserve the name natural as contrasted with those that arise from more passing and partial requirements.

91. This being the case, the question whether any given group is natural or artificial in its origin would appear to be *rather a psychological than an historical question.* Facts of history and anthropology become relevant only in so far as they give evidence of what is invisible to the eye of the chronicler, namely, the motives involved, and the logic of the social necessities at work in the events. And these invisible facts are the more elusive as they become remote in time; while if we consider the long series of changing political forms, constituting the 'evolution' of the state, this series gives us nothing to the point unless it can be interpreted by that hidden mental need which, itself no event, impels the movement. This interpreting insight, history *per se* cannot give. Only, the fact that an insti-

tution has persisted, and that its changes have shown a more or less consistent direction, may be taken as circumstantial evidence that some constant demand of human nature is there at work. On this ground, we may fairly surmise that the state is a natural association. But we cannot surely discern whether this is true without testing, in the light of contemporary knowledge, whether and in what respect man is a political animal. We cannot determine the significant origins of institutions without recourse to psychology.[3]

92. If this is true, the long discussion that has been waged about the "contract theory" of social and political origins has been aside from the point; it will aid our present argument to look at that theory for a moment.

A contract is, of course, the quintessence of conscious artifice; any association founded on a contract is ostensibly artificial in the highest degree. Hence it has been regarded as a matter of importance by those

[3] Another reason for the undecipherableness of purely historical data, and for the lack of sufficient magic in the notion of evolution to remedy the case, has already been mentioned (above, p. 121), namely, the fact that in its early forms the state is merged with other interests. Its rudimentary forms are not so much germs from which the mature state evolves as conglomerates from which it slowly frees itself. The temporal beginnings of institutions do not in general reveal their natures. Not that history can ever be less than the first aid to political theory; but that there is no simple formula for what it has to teach.

It is not surprising, therefore, that contemporary enquiries into the origin of the state bear the aspect of an uncertain and inconclusive quest. Professor H. E. Barnes has done valiant service in pointing out (*Sociology and Political Theory*, ch. iv) five different problems included under the name of the 'origin of the state,' together with a notable variety of answers to each of the five. He generously describes these various answers as 'contributions'; but one doubts whether pluralism in such a case is rather a merit than a sign of uncertainty of bearings.

who believe that the state is natural to show that it did *not* arise out of a previous unpolitical "state of nature" by way of a contract in which certain privileges of aboriginal freedom were surrendered in return for the advantages of organized society. The case for the natural origin of the state has been supposed to become strong as the case for its origin in contract becomes weak. And as the "social contract" theory is a ghost reputed to have been definitively laid by David Hume a hundred and fifty years ago, this method of proving the state a natural group is inviting.

Now the historical contention is perfectly valid: however a few late specimens of state may have begun, *the state* certainly did not arise in a contract. But this, unfortunately, proves nothing as to whether the state is natural or artificial: nor does it affect in the slightest what the contract-theorist intended to show. For the contract was seldom regarded, and never used, by its greater exponents as an item of history.[4] It was not

[4] Consider, for example, what would be involved in Hobbes' version of the contract if thought of as an actual event. Imagine a modest state of ten thousand members, and calculate the number of agreements involved if each man should, in fact, "agree with every other." Hobbes was certainly not indulging in the vain picture of nearly fifty million pledges given and taken, nor in the scarcely less vain picture of an assembly carrying out the equivalent of this network of agreements by acclamation. Even if there were nothing in his language to forbid the imputation of such nonsense to that great thinker it would be inexcusable to attribute the extravagance to him unnecessarily; but his language clearly excludes the supposition. It is the language of hypothesis, not of narration: "*as if* every man should say to every man, I authorize," etc. Hobbes was concerned not with history, but with psychology and reason: he was interested in those states of mind which no more at the beginning than at all times give the state its firm seat in the saddle of human nature.

It may be said that the social contract theory, taken purely as a psychological analysis of the grounds of political association, still involves

an account of origins, but rather a method of bringing the purpose or value of the state into clear relief, by the literary device of imagining a transition from a non-political to a political condition of mankind. In this its real sense, we shall deal with it in the next chapter.

The historical language of the contract theories is a striking instance of that curious penchant of the human mind for reading its convictions about the value and meaning of things into stories of origin, into genealogies, epic narratives, and myths; and then, having planted its values there, digging them out again with the show of discovery and proof. Thus, the ages of piety recorded their belief in the inestimable value of social authority by representing it as instituted by the deity. And their critics, who wished to dispel the excess of sanctity thus accruing to the ruler, fell into the same habit, and wrote their theory of the compact in the misleading and mythical language of state beginnings.[5]

Nor is this habit outgrown. The later critics of the contract theory are not free from it. The evolutionist,

an historical judgment, namely, that the individual, in the full exercise of his intelligent self-interest, is prior to the state.

But again, I must dissent. The social contract formula was a way of pointing out how the individual needs the state (as a way of fixing the basis and limits of the state's authority). But to recognize a need is to recognize an incompleteness. A need for food implies not completeness without the food, but the precise opposite. A contract for the services of the state would imply that the contracting individual was not complete without the state. If he actually made such a contract, the fact would indeed imply that he understood his own need, and was so far mentally complete without the state. But if the theorist makes the contract for him, it need not even imply so much as that.

[5] Those who wonder why the sagacious Locke should have squandered so much labor in refuting the solemn absurdities of Filmer's theory, whereby kingship in Europe was deduced from the divine authority dele-

as we were saying, has been disposed to assume that whatever comes from the workshop of Nature comes with a guarantee of fundamental worth: Herbert Spencer's ethics have no other cogency than can be found in the belief that what Nature in evolution seems to aim at, that thing mankind also ought to desire and seek as its highest good. Thus, strangely, the naturalist in his opposition to the contract-theorist, is on precisely the same ground as the former supernaturalist. As the divine-rightist regarded the state, God is wiser than man: let not man's crude art and rebellious spirit tamper with what the archetypal wisdom has established. As the evolutionist regarded it, Nature is wiser than her creatures; and man's instinct, the voice of Nature in him, is more authoritative than that conscious intelligence upon which the contract-theorist relies. Indeed, these two arguments, for some minds, are hardly distinguished from one another except in language: if with Joseph LeConte it is held that "instinct is not individual intelligence, but cosmic intelligence or the laws of nature working through inherited brain structure to produce wise results," they become identical.

When issues of value are thus hidden in issues of history, opposing views are kept from clear conflict and waste their energies in mock battles. There never was an "original contract"; but disproof of it leaves the essential question of our mental concern in the origin of the state untouched.

93. Why is it that men have been prone to state

gated to Adam in the Garden, may find the answer in that same mental trait which clothed the great constructions of the Second Essay in the fallacious atmosphere of antiquity.

their judgments of value and purpose in terms of a mythical history? It is because mythical history, in contrast with literally accurate history, can be told in terms of persons and their motives. The scientific historian cannot see motives, and therefore ought not to report them. Fanciful history is under no such disability: one can see minds, and seeing them can report purposes. Whatever originates *in a mind* must have some meaning or object for that mind: purposes, therefore, could never be better displayed than by showing mental beginnings, represented as fully conscious and understood.

The language of history is excellent for exposition of the purposes of things, once the purposes are known. But it assumes them known, and is therefore useless for our present business, that of discovery. It has the additional disadvantage of obscuring the fundamental difference, with regard to purpose, between the natural and the artificial groups, namely this:

94. In the case of artificial societies, their purpose must usually be clearly recognized and stated in order to bring the association into being. It is the purpose which justifies the society, assembles the members, defines the procedure, and not infrequently supplies the name of the group. Of such associations, we may say that *the purpose is first and the existence afterward.*

In the case of natural groups, on the other hand, clear recognition of the purpose may be indefinitely postponed. *Their existence is first, their purpose,* as consciously possessed, *is afterward.* How many members of families are prepared to state, or concerned to define, the 'purpose of the family'? What extant definition is satisfactory? If we accept the biological sugges-

tion that the purpose of the family is the propagation of the species, the social, economic, educational, personal uses of the family come off too scantily. One suspects that the definition has mistaken for the purpose one of the functions. Analysis remains incomplete; its formulations leave a remainder. Measured in such terms, the purposes of natural groups appear to be inexhaustible, in contrast with those of artificial associations which are finite.

It is presumably because, and in so far as, the state is a natural group that we have been obliged to approach the problem of its purpose inductively, beginning with its evident functions; whereas in the case of the railway corporation, its purpose was one of the given facts. And we understand also why the problem is a difficult and baffling one; for in the natural association, the purpose, though real, is hidden, buried in the instinctive depths of human nature,—best approached, therefore, through psychology and not through historical externalities.

95. But we must say at once that if the state is a natural association, it holds a peculiar relation to other natural associations.

For so far as other associations, the primary groups we met with in our first chapter, are natural as being based on deep-seated instincts, the state exists, as we then saw, to give men by degrees a more rational grasp of the purposes of these primary groups. If the state represents an instinct of any kind, it must include *an instinct to reflect upon instinct and supersede it.* Such an impulse certainly exists: it may be called in a peculiar sense the instinct of man, i.e., the form which the vital impulse takes in him. He is driven by his nature

to leave no instinctive purpose in the darkness of instinct; and whatever the whole purpose of the state may be, it certainly includes the purpose to become self-conscious in one's social purposes. To this extent at least the state is natural, i.e., in so far as *it is the nature of man to become artificial.* The state is the natural court in which instinct slowly resolves itself into reason.

It is another aspect of this same truth that the state begins and grows pari passu with the sense for *history.* For the reflection on social life which the state implies rises from and carries with it an interest in preserving social life against decline, i.e., an interest in perpetuity: the state can only arise as man, looking forward, begins with conscious awareness to build for futurity not his tombs alone but his communal life also. And the interest in preserving what is present goes mentally together with an interest in preserving what has gone. The stretching forward of the time-horizon goes hand in hand with a stretching backward: as man hopes, he remembers, and as he remembers, he hopes. We find that those human groups, such as certain wandering Sudanese, which are devoid of record or legend of their own yesterdays are also devoid of laws and political structure. Thus the state—wherever and whenever it may have had its beginning—*begins together with the historical sense,* the first form taken by the rational self-contemplation of mankind. And perhaps 'reason' in the specific sense, may be reckoned from the same epoch: for the recognition of a totality of time is the first form in which men become aware of the prior conditions, the framework, of their destinies.

96. This is all that is necessary to disprove the as-

sertion, still occasionally met with, that "the state originates in force,"—a statement to which we found certain idealists giving countenance together with the political realists.[6] This view is the result of a too hasty psychology. The force which builds the military states *never acts alone;* and cannot therefore be credited outright with the result. Force taken alone can produce no social relation except subjection pure and simple: it has no capacity to stimulate the mind to considering its career in time or to reflection on its instincts; it has no shred of competence for the building of states.

Men whose reasons are already awake may use their forces, and immure other men in their states. But that is evidently a wholly different matter.

97. The result of this sketchy review of 'origins' is essentially a postponement of the question until, in the next part, we can bring the psychological evidence to bear. But we have gained certain broad indications of the position of the state among social groups.

We find our first impression sustained, that the state partakes both of the natural and the artificial character, that it occupies a peculiar position between these two types of association. We judge it to be natural, not because the 'original contract' is disproved, but because we have reason to believe it founded in unalterable dispositions of human nature. So far we are with Treitschke—and Aristotle—as against Emerson. But we surmise, further, that whatever this instinctive basis may prove to be, it is not (as Treitschke would propose) an instinct for forceful self-assertion pure and simple: it is more like an impulse to social self-mastery by way of self-knowledge, a reflective interest,

[6] Above, § 41, n. 12.

akin to that which engenders history as the primitive form of philosophy. The state originates in man's natural impulse to become the conscious arbiter of his own social destiny.

CHAPTER XII

THE PURPOSE OF THE STATE: A PRELIMINARY VIEW

OUR several comparisons of the state with other social groups have yielded certain indications of its purpose. At least, they have brought to light a number of functions or uses which the state serves, and which should be included in the purpose when we find it.

As all-inclusive in extent and duration, or aiming to be, the state serves to *set other groups free* to find their own due extent and duration.

As establishing among these members an impersonal, territorial bond, in which the question, "Who is my neighbor?" receives a new and morally significant answer, the state *sets individuals free* from the primitive bondage of spatial nextness, free also to decide for themselves what groups they do and do not wish to belong to.

As having at least one of its roots in the need for reflective self-understanding, the state *sets the mind free,* by promoting a growing sensitiveness and intelligence in ordering its social connections.

These several functions converge. We might bring them together in some such way as this: The state promotes the rational meaning of social life, by setting its elements free from every situation which is purely accidental or mechanical. It makes society in all its pores increasingly malleable before a human will

which is increasingly better understood. If this is what freedom means, the state *promotes freedom.* If it is what 'social evolution' means, the state *promotes social evolution.*

99. But this is, so far, merely an assemblage of fragments of purpose, itself a fragment and an abstraction. We shall leave it for the moment as it stands, and turn to another aid in our inductive effort, —one which has been potent in its day and which has not wholly lost its potency,—that furnished by the method of the 'social contract.'

The idea of the contract required that the contracting parties know precisely what organized society, or the state,[1] is worth to them; for they must know what they are willing to give up in exchange for it. It therefore required on the part of the contract-theorist a way of satisfying himself precisely what the state is for. This method might be called the method of *mental subtraction.* It took as its clue the plausible idea that while we seldom realize the uses of habitual things (institutions or bodily organs) while they are functioning properly, we quickly find out their uses when we are deprived of them. The purpose of an institution is that good which humanity would miss if that institution were absent or suspended.

It occasionally happens that a social organ stops working, whether by accident or by a strike, and then society has a negative and often impressive demonstration of its forgotten value. Now the functions of the state are seldom thus suspended, and a strike of

[1] It will be unnecessary, for most of the present argument, to distinguish between the social contract and the governmental contract. Our interest is in the logic, which is the same in either case.

the state can hardly be tried. But it is quite possible in imagination to *think the state away,*—to conceive a 'state of nature' and assess its disadvantages. To escape these disadvantages would be the purpose of the state.

100. This method is valid. It will always be of use.[2] Its difficulty lies not in any serious error of principle, but in its inaccuracy when operating alone. Like the method of Utopia-building, to which it is close kin, it depends too much on the imagination, on the ability of the user to guess the behavior of human beings under highly unusual conditions. For this reason, its results varied widely in different hands. The more dismal the imagined state of nature, the higher the value of the state, and *vice versa.* Hobbes, who saw the stateless condition of man in the darkest colors gave the state a correspondingly high rating, and could exact a huge price for it. Locke, who found man morally well-equipped even apart from society, left correspondingly little for his state to do: his contract was therefore so much the less onerous for the citizen-purchaser.

As Hobbes' imagination pictured a state-bereft humanity, the social order based on fair play falls to the ground, and a disorder based on ruthless self-seeking takes its place. What we call justice is no longer 'just'; for it is simply unreasonable for any one alone to observe rules which others may be expected to break. Ac-

[2] Duguit, who fumes against the notion of a social contract on the irrelevant historical grounds we have discussed, because "we have to start with a social group" (*Law in the Modern State,* p. 44), uses this same method in order to determine what services government ought to undertake. "Were there need for a formal criterion, I should suggest that it is to be found in the social disorder that results in the suspension of that service." (Ibid., p. 48.)

cordingly, as Hobbes performed the mental subtraction, the state must be looked to to bring justice into being, and therewith the blessing of orderly peace. The purpose of the state is the enforcement of peace.

As Locke sees it, the state of nature is indeed confused; but it is not devoid of justice: the germs of law and order are in every man, and in sufficient vigor to make themselves felt apart from any public force. Hence, as Locke performs the mental subtraction, the great good which the state brings is unity and reliability in the application of common standards. Its purpose is the stabilizing of justice.

101. It is not necessary for us to review the opinions of all the great contract-methodists. They are in the main either Hobbesian or Lockeian, according as they expect little or much from stark original human nature.[3] On this issue, it will be evident from what has gone before that we judge Locke to be psychologically truer than Hobbes.

For the reason, and therewith the justice, that is in the state (and in society also) is not brought to the individual man, as from outside: it is his own reason externalized.[4] Unless man apart from the state, and even apart from society, had the dispositions which make for justice, neither society nor the state could evoke them in him. These dispositions would of course remain undeveloped, and his mentality likewise, if accident severed him from his kind; and in society without

[3] In Rousseau's case there would have been nothing whatever for the state to do, had he adhered to his early views. By 1761 his eyes had been opened, and he was ready to "justify the chains." *Social Contract*, Book I, ch. v.

[4] § 27 above.

the state they would presumably remain vague, intuitive, dogmatic, discouraged.[5] But this is a totally different matter from saying that he owes these qualities themselves to either state or society. A chemical atom, we are told, belongs as a rule in a molecule: it is not good for atoms to be alone: but nevertheless they do at times dissociate themselves, live 'nascently,' and have unfilled 'valencies': they can be contemplated by themselves. Still more so, the human individual; were it not so, the science of individual psychology would be impossible. The social instinct itself—man's 'valency'—is a trait of the individual self.

Now if we were to collect the traits which at various times we have asserted of the individual human mind, we should have some such picture as this: Every man, in acting, is aware not only of the specific act, but also (more or less dimly) of the principle on which he acts,—this awareness is what makes him a 'rational' being. He is aware, further, of the moral quality of this principle: i.e., he feels the difference between the kind of act that is worth following up and recommending, and the kind that is not worth recommending. He looks at the behavior of all persons with this standard of judgment in mind, particularly when they are in conflict with him or with each other: he is the potential judge of his neighbors as well as of himself, the potential politician. Again, every man, as a will which is also mind and muscle, is disposed to use these powers to make his judgment prevail over other men; he has the germs of commotivity in him, of statesmanship, of the executive and administrative functions, including the punishing of injury to himself and others. Thus, taken

[5] On the question of the development of faculty by individual experience alone, see my book, *Human Nature and Its Remaking*, ch. xxi.

by himself, the individual is a micro-state; his social instinct is not merely adhesive, it is structural, and its structure is ethical; in any group of his fellows, each member becomes a center of demand that the whole crystallize itself on the pattern of his idea.

And not only is this true, but he *never surrenders these functions to the state.* Here Locke, little disposed to magnify the state's office, allows it too much. Every man remains a judge in his own case; he remains a judge in every case that comes to his attention. He remains to some extent his own executive. The ideals of chivalry, persisting into early modern times, made the English gentleman-at-arms feel it a shame to appeal to the sheriff to secure the justice which his own right hand was sufficient to obtain. And to this day, the resentment of injury to self or to others, flaming into active indignation, cannot wholly be transferred from the personal will that feels it to the impersonal public force,—nor should it be. The individual, in the state or out of it, retains all the functions of a complete man: what absurdity to suppose him indebted to the state for the existence of justice, morality, law, or executive power! It cannot be the purpose of the state to create these goods out of whole cloth.

In brief, the will of this micro-state we call an individual is and remains *a will about what others should do,* and not alone a will about what he himself shall do. His will naturally overflows its organic banks; and what the state has to do is to canalize and unify the overflow of a million wills. *The state* is *this unified will surplus.* To effect such a unity, each of the overflowing wills is driven by its own logic; for, willing a social order, it finds that an order enforced by each one severally is not order but disorder. To realize its own wish,

each must seek a unitary source of control for all, and each tacitly conspires[6] with others in accepting such a source.

So far, then, as this method of mental subtraction can instruct us, the purpose of the state is chiefly to *supply this required unity.* The mind-forces to be unified it does not create, namely, those parts of the wills and reasons of its members which overflow themselves, reflect upon the order of the community, and aspire to control it. These will-elements the state enlarges and completes, but chiefly unifies.

102. But perhaps we have still credited the state with too much. It is questionable whether it can unify all of this overflow. Each individual would like to make his neighbor and his community *just,* after his own idea of justice. But justice is an inner motive, not merely a mode of external behavior; and while I may compel my neighbor to do my will, I can hardly compel him to do it *willingly.* The state cannot make men just, it can only insist on the external justice of behavior.

So, at least, thinks Kant, who brings the contract-method to its last refinement. That the *state must limit itself to external, that is, to physical action,* and can therefore take for its purpose only such good as physical force can directly serve, becomes in his writings almost an axiom. His immense influence has been largely responsible for the spread of this conviction during the nineteenth century. T. H. Green accepts the principle almost without debate: Bosanquet reaffirms it. The springs of the inner life simply cannot be enforced; the state cannot promote morality nor religion directly; the attempt to do so can only lend advantage

[6] Cf. §§ 28, 40, above.

to a hypocritical compliance. The private self must supply all the inwardness of justice: the state can furnish only its shell.

Why not extend the principle also to initiative, energy, interest? These all have their sources in the intrinsically free life of the mind. It would follow that the state must be content with supplying the favoring external conditions for enterprise and for culture: the actual creativity of society must always be in private hands. The purpose of the state must be limited to what force can achieve.

103. We cannot accept this limitation of the state's purpose. It is true that creativity and morality are essentially inward and free. It is also true that they cannot be enforced. But we have already met and answered the argument that force necessarily destroys them.[7] And we must also decline to accept the premiss of this doctrine, namely, that the state always acts by way of force. Whether and why the state should specialize in force-using is a part of our problem: we cannot take it as a starting-point. Kant strangely takes the force-function for granted in thoroughly realistic fashion, and then trims the purpose of the state to fit this accepted character.

Let me point out that the same logic would prohibit individuals, not less than the state, from concerning themselves with the living wills of their neighbors,—which, after all, concern them profoundly. For since minds are, under human conditions, always clothed in bodies, the necessity of approaching the mental

[7] In this Kantian position we have the curious juxtaposition of an anti-anarchistic premiss—that the state must use force—with an anarchistic plea, that force perverts motive. See § 62 above.

through the physical would seem to be the common lot of all men and of all societies, not at all peculiar to the state. If the state were to try to promote morality,—say by a Prohibition amendment,—it would find itself under precisely the same disadvantage which any individual suffers from in trying to do moral good to others: the springs of that good cannot be supplied from outside. The state labors under a further disadvantage because of its distance and the wholesale measures which it must adopt in dealing with its entire population; morality moves better from person to person than from an institution to the mass. But this disadvantage has nothing to do with the ineptitude of the "external" action to the moral good.

It is not a little extraordinary that with this superstition about the force-using state, for Kant and Green alike, it is precisely the moral aspect of the best life which looms largest in their view of the state's mission. It is the moral, to be sure, in the guise of legal right; and this is said to be so far an external matter that the state is not interested in the motive of an action, but only in its physical shape. It enquires into the *intent* to kill, in the case of murder, because unless there is intent there is not so much as an act of will, and hence no human deed at all. But it does not enquire into *motive,* i.e., whether hatred, revenge, greed, envy, etc. It is solely interested in performance, and in those causes from which performance directly arises. This view of the nature of legal right itself is unduly externalized, in order to accommodate it to the supposed physical nature of state action. But evidently the only interest right or justice of any sort can have for a human community is in its satisfaction of sentiments which can never be reduced to merely physical

terms. The resentment of wrong is an inner experience if ever there were an inner experience. To say that the state has no concern with the motives of action, whether of crime or of obedience would appear to be as untrue to fact as to say that a captain would have no concern whether the deference of the members of his company was sincere, so long as the military forms were observed. The primary importance of *morale,* recognized by Napoleon as three-fourths of the power of an army, makes *motive* the essence of the fighting group: it is not less the essence of the state.

Those who, like Kant, Green, and Bosanquet, limit the state to the external conditions of public welfare, or especially the external conditions of right, fail to make it appear how external conditions can promote right at all. For if the inner is so sharply separated from the outer, as the Kantian analysis insists, no external changes can either hinder or help the moral will. The prevalence of peace could not turn the unjust man into a just one; and if right action were made altogether prudent, as Hobbes expected his state to do, it would lose that element of difficulty and sacrifice which are necessary, in Kant's eyes, to give it the distinctively moral flavor. Hobbes' state would not promote Kantian morality: it would annihilate it.

104. The truth seems to be that the state does concern itself with justice, and not merely with just behavior. It actually promotes the existence of justice; and to this extent there is something to be said for the view of Hobbes, as against that of Locke. It does not, as Hobbes thought, bring justice into being; but it aids its propagation by altering the medium into which a just act falls. Consider how this occurs.

A deed of justice, in which one decides against his own interest, has two tendencies. It places the just man at a material disadvantage, so long as the environment remains indifferent to justice. But it also tends to change the environment, to beget similar deeds in those who perceive it, and to attract friendly alliance. It does not depend wholly on the just man which of these two tendencies prevails; he acts at a risk. But the second tendency, the tendency of justice to propagate itself, is most effective where men are held together in continuous association, so that the logic of justice-relations *versus* injustice-relations has time to exhibit itself fully. Apart from that definite continuity of common life, the just deed loses a great part of its significance. Now the state provides this continuity: it exists not to make just action just, and certainly not to make it prudent, but *to make it significant,* establishing it as a growing leaven in society, rather than leaving it an isolated deed of heroism or sacrifice.

The existence of the state turns the balance between a condition in which the mass of men, feebly well-disposed but not heroically just, might find the cost of righteousness too high, and a condition in which fair dealing may become the rule rather than the exception. This seems to be the kernel of truth in Hobbes' insight. And this result, the promotion of a just mentality in its citizens, cannot be omitted from the purpose of the state.

105. On this side, then, our view of the state's purpose is not too liberal: the state exists to unify all the elements of the will-overflow of its members, even those that are directed to the community's moral life.

But we need to remind ourselves how much this formula covers. For the will-overflow of the citizen is not confined to the interests of law, public order, and morals. He has his ideas of common enterprise in which he would like to enlist his neighbors. This aspect of the state's purpose has been pressed into the background. It is surprising with what unanimity the contract-theorists ignored or minimized the commotive aspects of the state's activity,—its dealings with other states, its public services, its concern for the "general welfare." The fault here is not in their method—for certainly we should miss these things if the state were absent—but in the preoccupation of its users.

Nevertheless, the method itself tends here to mislead us. For it is not true that the state should perform *only* those services which men would lose if it were absent. A man without legs need not lose locomotion, in this day of grace, yet locomotion is what legs are for. The method of subtraction fails. A stateless society might find it possible, by substitution of function, to do many things which properly belong to the state. The state's business is not what cannot otherwise be done: it is what the state can do best. Once in existence, it does and should magnify its office. And it may do its work without demanding—as the contract theory suggests—that private agencies should wholly surrender activities of the same nature. It parallels rather than displaces their functions. Hence, while the method of mental subtraction reveals authentic elements of the state's purpose, it can hardly be depended on for a well-balanced view of it. Here, then, we take leave of the contract-theory as a method for finding purpose, and betake ourselves—for a very short flight!—to unaided common sense.

ii

106. It stands to reason that a will exists for the sake of *doing things;* and that its purpose should be stated in terms of its projected deeds.

It is true that the state exists to promote freedom, the freedom of men in and from their social belongings; but this, we said, is an abstraction: the purpose of the state must lie in the direction of its own doing, not merely in what it enables its citizens to do. It is true also that the state exists to unify the will-overflow of its members, and thereby to promote justice and order; but justice and order are conditions for united activity, and the object of that activity remains unstated. The function of unifying is an abstraction: the concrete purpose must be found in the *agenda* of the unified will.

107. The state exists for the sake of doing things. Even in the crudity of this unfinished formula there lies all the difference between Mr. Gladstone's idea of state duty and that of the British Liberal Party at the opening of the century, whose manifold undertakings in attacking poverty, unemployment, sweated labor, the problems of land ownership, the development of resources, have given substance for all time to the vague phrase, 'the general welfare.'

In carrying out its deeds the will always serves other ends—as exercise may bring health with it; but it is not for the sake of these other ends that the deeds are done: they retain their primacy of meaning. If the state builds roads, it serves peace, order, justice; but it builds them not merely as means to these objects. Nor does it build them merely to serve, by external

mechanisms, a common life which pursues its own independent way. It builds them also as *achievements,* in which that common life comes to fruit. They involve the workmanship, the science, the art, the pride of the people; they show the degree of their disposition to spend themselves in a common effort. In sparsely settled regions, where roads mean palpable personal sacrifice on the part of all the settlers, the road may be the best expression of the public mind. The roads of ancient Peru, like those of Rome, are still the symbols of an entire civilization.

Note, too, that these common deeds are something more than achievements of a preëxisting common mind: they *help a common mind into being.* We sometimes speak as if a given group of men had a given set of common interests; but common interests are seldom given facts. Two persons meeting in a wilderness may find a common interest,—they may also find a quarrel; and for the most part, they do not know in advance which it will be. The common interest is not created with the external situation; it must be set up, instituted.[8] When it is once set up, its participants are then held together by its pursuit; and in the continuance of their relations, questions of justice get their full significance. The state favors justice, as we were saying, by favoring continuity of relation: we now add, it favors continuity of relation by bringing about common deeds, and the common mind that attends them. The instigator of common deeds is thus the natural pro-

[8] There must, of course, be a nucleus of community in order that there should be so much as a fight. But this nucleus remains for the most part a subconscious possession, a continuity, while they seek for the difference-making common object which may lead to a mutual activity.

moter of justice: the commotive function is primary, the adjustive function is resultant.

108. While the state exists for the sake of doing things both inside and outside its borders, it is most visibly itself in those *outwardly directed actions* in which, like an individual organism, it deals as a whole with its environment.

In times past, making war and playing for diplomatic advantage have been its most typical activities. Even now, it is when the state makes war that the nation becomes most nearly a psychological unit. But war-making is merely one of a genus of activities which make up the conversation of state with state; the number and variety of these activities now increases from year to year by leaps and bounds. They bid fair to furnish a genuine moral equivalent of war in keeping alive the common mind, will, and morale of peoples, an equivalent which cannot be found in dispersed private enterprises. The domestic activities of peace are not enough. The tonus of the entire group of state functions depends on the vigor of its outwardly-directed action.

109. We now perceive the full scope of the state's function as *maker of history.*

History is not a mere succession of events; it is a succession of significant events, brought under the common judgment of mankind. It is a meshwork of events in which the common wills of different groups intersect, calling forth the utmost intensity of common judgment. It is a play of action on action which is at the same time a play of thought on thought; and through this intricate but consecutive intercourse of

minds a slow process of concrete thinking works itself out in the world,—or as much of the world as takes part in the network of action.

As the state fulfills its aim of being everywhere and always, this network becomes world-inclusive; the significant reactions of man on man extend through all mundane space and time. We have then a genuine history, in which all men participate: the reflection of mankind is furthered by what each political agent does and judges,—and in this reflection, this learning from experience, foul deeds, by discrediting themselves, are turned to profit together with the fair. It is only as such a genuine history exists that the world becomes safe for any of its member-states. As each state prizes its own existence, it becomes an integral part of its purpose to *constitute history* in this wider sense of the word.

110. From the primitive hostile impinging of tribe on tribe to the reflective and pacific impact of policy on policy and of proposal upon proposal for interstate coöperation, the state has been and is most completely itself, we say, in outgoing action; may this history-making function, perchance, be more than a function? May it be the locus of the state's purpose?

As an hypothesis this promises fairly to meet the logical requirements: it explains the known functions of the state; it sets limits to the state's action by defining certain non-functions.

That it carries with it the known functions of the state, we have already partly observed. The commotive functions require the adjustive functions as their aids. To act as a unit the state must become a unit: the interest of common action first develops the common

mind of a nation, but to retain this unity the political work of law and justice must be organized within. And if the deeds of peace are to approach in fervor and unity the deeds of war, the state must act not alone as reconciler, judge, and punisher after conflicts have arisen, but also as preventive physician and parent, anticipating and heading off the possibilities of dissension and social cleavage. The freedom-functions will also be cared for, inasmuch as freedom means the mental and moral growth of the member-citizens; and their energies of mind and will are the only resources upon which the state can draw in making its contributions to history. The purpose of history-making is thus an inclusive purpose.

111. But it is also a purpose with some power of exclusion: it can define certain limits of state-action, and in a way which makes intelligible some of the results of political experience.

The deeds of the state must be common deeds. This excludes, in the first place, action *aimed at local benefits*. When, as in the case of road-building, there is an inevitable local advantage, it is toward a totality of such local advantages that the state is aiming, as well as the spread of each such advantage through the whole mass.[9]

The deeds of the state must be commonly believed in or approved. This excludes enterprises, however brilliant, which are *not readily defensible* on accepted

[9] Ideally, the state must also avoid a temporal localism: its deeds should seek ends which concern not only its existent members but the entire series of its members in time. Thus, if it grants pensions to veterans of a war, it is not as relief to these passing individuals, but as an integral though belated part of a memorable common effort which enters into the permanent record and heritage of the people.

grounds before the common judgment. The state is not debarred from striking out into new paths; but it necessarily has a long memory, and may not act without reference to what is staple and confirmed in the habits of the community. Hence official acts in any form of government move under a double responsibility from which the private citizen is free,—the responsibility of representing the general interest and the responsibility of conservative venture. This makes the official less light-footed than the same person could be in private enterprise. The technicalities of the law and the red-tape of administration under which all state-action groans are the defence-mechanisms of weak men in whom the strain of public action has produced a preponderance of intellect over intuition. They must be able under a rain of criticism to justify their actions by book and letter. Hence the state cannot well do things whose development is at a stage in which prompt and speculative inventiveness has much to do. And because the standards by which it defends its doings are impersonal, general, and established, it can seldom act with success in measures which require a notable heightening of the average level of conscience.[10] The state must move toward the novel—except under the genius of exceptional leaders—through the crystallized abstractions of the well-tried, because

[10] We may add, in parenthesis, that it is for this reason that women are less fit than men for political leadership. They are not less likely to be right in their judgment of a given issue, experience being equivalent; but since their genius is to see at once the individual aspects of any situation, they have little patience or capacity for the slower processes through commonly understood abstractions, conventional and legal ways of thinking, which alone can pave the way for common action. Women are not at their best in regimented movements of body or of thought; nor are they at home in the art of regimenting mankind.

it is these abstractions alone which enable a community so far to think together that they can take the step of adventure together.

Finally, the deeds of the state must draw for their weight and effect upon the intelligence and experience of its members. This excludes the state from any field or degree of action which *supplants the normal actions of its members.* It is not primarily a question—as it is usually taken—of the particular sort of thing the state may do or may not do. The state may build roads; private citizens may also build roads: the field of road-building belongs exclusively to neither. But it is a question of the apportionment of energy. The volume of public enterprise must not diminish the scope of private enterprise. If the state could engage in industry, farming, forestry, in such wise as to increase the general store of private opportunities in these directions, the state would be perfectly justified in doing so. If it displaces the private will, it is out of place. Wherever the state acts so as to enable its members alike to start from a higher level of common advantage over natural obstacles—as in irrigation projects—it promotes its own unity without depriving them of their room for growth.

These may not be the only restrictions on state-action which can be drawn from the hypothesis that the purpose of the state is to make history; but they are sufficient to show that the hypothesis has logical virility,—it can negate as well as affirm. And if its negations are the right negations, the hypothesis is to that extent recommended.

112. This conception of the state's purpose looks, I think, in the right quarter; though, as it stands, it is

neither well-defined nor psychologically convincing. Making history is rather remote from any aim of which the citizen is ordinarily aware, either in his state or in himself: his own purposes begin at home, and while mankind may be in the offing, it seldom reaches the foreground of consciousness. As for his state, it has its own intelligible and tangible business, its own 'affairs' which bring it into contact with other states; and history appears as an incident, not as an aim.

This criticism indicates a psychological responsibility which need not weigh too heavily upon us at this stage of our discussion. We accept it and shall meet it, simply pointing out here that if world history appears out of range to the modern citizen with his intensity of private interest which the state has encouraged, this has not always been the case. Early state-action is consciously history-making; the proud self-consciousness of Jewry, Greece, Rome, was a world-consciousness so far as the world was then known. Even the primitive foray of war was not without vivid interest beyond its immediate aims in the figure one's own tribe made on the wider stage of group-repute and precedent. Civilized mankind doubtless has a deeper stake in history than it thinks.

But our hypothesis is unfinished in one important particular. It lends itself to the question, for what more ultimate object is history made? If the state makes history, it is hardly *for the sake of history,* as for an object having value in itself. What, then, is this more ultimate value, for whose sake this wide circuit must be flung? Is it for the sake of the state's own preservation? Is it for the sake of society? Is it for the sake of its individual members? Or is it perhaps for

none of these, but, as Kohler suggests, for the sake of culture, human civilization at large?

113. It is not for the sake of society.

In considering the nature of the political tie, we saw that the state serves to protect its individual members from the domination of other social groups. The state can therefore not be regarded as distinctively for society, if by society we mean the sum of these other groups. To describe the state as "the organized force of society" is utterly fallacious; for in whatever direction its force may be rightfully used, it is as likely to be against society in the interest of individuals, as for society.

114. There is a good deal in the hang of the state's activities which confirms the view of state-believers that the state is *for itself,* its existence and welfare the chief among human ends. As an agent in history, the state is most definitely a self, an active unity of will, and as it becomes like a self, it takes on the behavior of a self, makes an aim of its own existence, displays a vigorous will-to-live, acts in the field of world-politics as if its chief mission were to preserve its own being, and as if it were wholly justified in using other states and its own citizens as means to that high end, whenever it seems imperilled.

In the domestic field, law and order have been commonly interpreted as the interest of the sovereign. A crime is held to be an offence not primarily against the neighbor nor the social order, but against the well-being of the state, an affront to its majesty. And whatever is demanded in the name of the state is required not alone with the unanswerable finality of supreme

force, but with the finality as well of supreme right, as for an end beyond which enquiry does not go.

The fact that the modern state has shown itself increasingly solicitous for the freedom and well-being of its individual members is not conclusive against this view, since individual energies are still the cellular sources of the state's energy. There is a certain amount of evidence that the value set on individual life is not solely for the sake of the individual. For after all, suicide is held to be a crime; and there are still some vestiges of an ancient feeling that even mutilations, accidents involving loss of blood, destructions of property and the like are culpable subtractions from the resources of the community. It is clear that the concern of the state for the individual may easily exceed his concern for himself, because he is one of the state's assets.

115. All such evidence is ambiguous. It is a mere truism that the state must be for itself, if it is to be for any other than itself. If it were true that the whole object of the state were to serve its members present and future, it would still call for service to 'itself' as surrogate for them. On any view of the state's purpose, self-preservation must be one of its chief functions. It can serve nobody without existing. And what is particularly striking in the case of the state, *its mere existence is an important service.* It need only exist to provide a calculable future and a cumulative past; it need only exist to give its inner groups and its members their freedom in space and time. It need only exist to give its citizens something to be loyal to, an object about which sentiments of affection and pride may gather,—and this psychological service is not neg-

ligible. We should naturally hear much, then, about preserving the existence of the state, even though the state were a mere means to the ends of its members.

The given facts of state action can be read either way. When a fire "begins to draw" there is no reversal of the current of air in the flue. It is only that the current is so far unified that the source of the movement can be imagined to be a draught from above quite as well as a push from below,—perhaps more simply so imagined. Yet, in fact, it is still a push from below. So as the state life acquires a volume, momentum, and unity of its own, it begins to draw individuals toward their full development as if for its own sake, rather than leaving them to themselves to force their way upward. It declines to leave them in a contented idleness or ignorance; it prods them to school and to labor; it compels them to be free. But it may well be their welfare at which it aims.

116. On this issue we have here but a brief comment to make. The state cannot be for itself unless it is in reality a self and not a mere fiction,—a psychological problem which we shall grapple with in due time. But meantime, I agree that the state does not exist alone to serve the interests of its members; it exists primarily to *make them.* Its function as educator is its most characteristic function, and its chief contribution to history is its product in men.

As our own hypothesis about the state's purpose we adopt tentatively this statement: *the form of the state's aim is the making of history; its substance is the making of men.* That is, it cannot make men without the long circuit of history,—a proposition which we have still to make good. But we assert that the heart

and focus of all ultimate value is in persons, not in such abstractions as society, culture, history; and that the state's purpose must find its terminus there. We may now enquire what this hypothesis implies regarding the power of the state.

CHAPTER XIII

THE TYPES OF POWER

WITH this view of the purpose of the state, we can now give an answer to the question raised above, why the state should have a monopoly of force-using, and why it should use force at all.

We might point out that several of the functions which belong uniquely to the state require force in order to work. Thus, if the state is to make a dependable environment, with a calculable future and a cumulative past, it must bring into human behavior a uniformity that is not spontaneous. It must create an *artificial uniformity,* not absolute, but approximate. Life and property must be so far secure that the remaining risk can be covered by insurance, and the business of insurance itself become a reasonable enterprise. And artificial uniformity means constraint of the wilder monads.

Or again, if it belongs to the purpose of the state to do things, and to do them as common acts, it must bring about a unity of action which is still less spontaneous. It must create an *artificial unity,* by some compulsory bond.

Or, if it belongs to the purpose of the state to promote a just inner disposition, we have to consider that the punishing of injustice affects the punishers as well as the one punished. If the community, through the

state, does the punishing, its act amounts to a united and public repudiation of that injustice. And this repudiation does something to confirm the prejudice toward justice in their minds. This has nothing to do with the deterring of crime. It is a matter of the strengthening of habitual just dispositions by suggestion from an emphatic rejection of their opposites,—a question therefore of community *morale*.

But these considerations, valid as far as they go, hardly reach the root of the matter. To accomplish this, it will be useful to distinguish the different types of power that social groups develop.

118. Power, in social relations, as in physical relations, is a capacity for doing work: it is a capacity for doing work on a human will, that is, of altering its behavior.

In any group of his fellows, a man is subject to powers of at least three sorts. First, physical force, which may be subconsciously impressive even when there is no threat of using it. Second, bargain power, i.e., power conferred by your possession of something I want, so that to get it I must first supply something that you want. Third, the power of prestige, a power which bends the will without regard to resulting advantage or disadvantage.

These powers may be possessed by individuals or by groups. Physical force needs no remark. The remaining types have a logic which deserves some attention.

119. Bargain power exists only on condition that physical force is excluded.

If A has a salt pit and B has a spring, A may be

able to exert pressure on B to allow him access to his spring, because of B's occasional desire for salt. But he can only do so in case B refrains from the direct method of getting the salt by forcible seizure. In general, whenever A controls something that B wants, he may, if force is excluded, command services on B's part roughly proportionate to the strength of B's need or desire. Laban's control of Rachel's hand enabled him to command Jacob's service for many years, the method of marriage by capture being excluded. As a desire becomes imperative, the power held by one who controls its satisfaction mounts without limit,—a principle which Jacob turned to advantage in his bargain with the famished Esau.

For current commodities, sellers have a power over buyers, and buyers over sellers who want their cash,—a shifting balance of power delicately measured by market prices. But the desire which creates demand is not a fixed fact; and through its rise or decline vast amounts of such power may be silently created or destroyed. Desire is imitative: competing purchasers whet each others' imagined eagerness and drive the powers of the owners of limited stocks to extravagant heights. A community of Stoics could reduce these same powers to zero. And as all desires exist to some extent by the leave of the desirer, all bargain powers, and hence all markets, are at the mercy of the philosophy of the consumers: a change of view, and the public ceases to regard as desirable something it had long accepted as a staple. The purveyors of common goods lose their power over the consumer who thinks for himself; he becomes the 'independent man': conversely, there is a necessary tractableness about the man of many desires which renders him plastic social

material, and limits his likelihood of indulging in costly moral enterprise.

Bargain power has also a negative aspect. A may control an object of B's aversion rather than of his desire; and his power to affect B's behavior is then measured by the degree of dislike or fear brought into play.

120. The principles of this type of power lend themselves to a formulation which might be regarded as the basis of a rough calculus. So far as the laws of economic value are laws of social power, they will be included in these principles as special cases; but the principles themselves are evidently more general than those which apply to economic goods and services. Thus:

(1) He who controls what is necessary to me or fatal to me has power over me,—a maximum power.

(2) He who controls what is pleasing or convenient to me, or what is displeasing or inconvenient, has power over me,—power of a lesser degree;

(3) He who controls any *means or way* to the obtaining of these goods or avoiding of these evils has power over me;

(4) He whom *I believe* to have these several controls exercises the power as if he had them. Thus, the physician whom I believe able to cure a disease commands me not according to his ability, but according to my faith in his ability. And so through all the degrees of probability, hope, conjecture.[1]

[1] Thus, the power of the priest does not depend on his possession of the keys of heaven and hell, nor yet alone on the belief of the laymen that he has them—though that is the chief factor—but also on a sense of the obscurity of destiny which leaves in many minds a bare chance

(5) All of the above powers are *subject to the will of the desirer* to maintain his demand for the supposed good, as well as subject to variation in his belief in its value. Human nature has certain necessary desires; but the necessary desires are chiefly directed to objects not subject to monopoly control.

An illustration of the manner in which these different factors intertwine is furnished by the bargain-power due to the need for water among the Naman of South West Africa. The Naman live in a dry country, yet depend on cattle for their livelihood; hence whoever controls the water-supply holds an extraordinary power. Now the gods get most of the credit for this; the annual rain ceremony is accordingly the most important of the year, and the will of the rain gods is solicitously observed. But society also has a certain share of this ideal water-power; for society is believed to be able to control the effect of the water on the user. If you are in good social standing, water may be used to ward off evil; if you are out of standing, water will do you harm, and you must not touch it. Return to the graces of the tribe is a "return to water"; so long as that belief holds, or even a semblance of it, society wields a power which few would venture to defy.[2]

121. Much of the power of the state is of the bargain type. It has the ability to supply certain goods which every man needs, needs constantly, and with little liability to repudiation. It is the only agency that can supply some of these goods, as protection and

that he *may have them.* Hobbes includes among the sources of power "that working of God called good luck."

2 Winifred Hoernlé, "The expression of the social value of water among the Naman of South West Africa," *South African Journal of Science,* December, 1923.

peace, with a high degree of certainty. The state is thus in a position to place requirements upon me, to make its bargain. This is the situation which the social contract theory tried to formulate: having determined the purpose of the state, the importance of this purpose was held to measure the extent of the demand which the state might justly make upon its members.

But there are two radical differences between the governmental contract, thus conceived, and any commercial bargain. In the commercial bargain, the possessor of the goods is presumed to hold them in complete independence of the will of the person who bargains for them. The one who desires those goods simply finds their control-by-another as a fact of the situation behind which he does not go. But the power of the state to serve me depends to some extent on my collusion: if it has a bargain power, it is only such as we together have conferred upon it. It can only assure us peace if we conspire to make it strong at the expense of making ourselves relatively weak.

And because of this difference there follows another. The owner of a commodity may define what services or goods of mine he will accept in exchange. But the state, being obliged for its existence to those who wish its commodities, may not demand all its services are worth and in whatever coin it pleases. It is not an independent seller: it is merely the collective buyers in another aspect. It may demand only what is logically necessary to enable it to produce those commodities or services. The price is not a market price: it is a necessary condition of the good sought, or, as it were, its cost of production.

In this respect, the use made of the contract idea by Hobbes is far less enlightened than that made of it by

Locke and Rousseau. Hobbes regarded the contract commercially, and authorized his Leviathan to exact all the traffic would bear in exchange for peace: thereby he made evident the bargain power of the state as no one else has done, but he misconceived the psychological basis of obedience. In practice, it is evident that few modern governments are disposed to exhaust the marginal utility of the state in their demands upon their citizens, though the position of physical advantage they occupy would enable them to extort even more. The former Turkish government has been known to tax Asiatic subjects three-fourths of what they produce, and to collect it, not because its blessings were so great, but because inertia and fear destroyed the presupposition of bargain power, a mind free from the threat of violence.

There are times, however, when even respectable governments claim and receive more than the value of their bargain. For power founded on bargain ceases with the ability to fulfill the bargain; and a state under stress of attack may become wholly incompetent to secure peace or to guarantee the future. Under such conditions Hobbes is bound in consistency to release the subjects from all further obligation to the Leviathan. But in most cases neither governments nor citizens are inclined to accept this release. And the implication is that the power of the state is not describable wholly in terms of physical force and bargain power. We turn to the third type of power, which we have called the power of prestige.

122. We do, in fact, recognize the sway of many persons and entities quite apart from their ability to satisfy desire or inflict pain. We render a type of homage

to character and to beauty: we lend a certain obedience to weakness itself, to the invalid, the child, the unfortunate. We defer to the weak certainly not because of their weakness, but because of regard for some generic quality embodied in the weak individual,—to the child and the aged, perhaps, because of their humanity. This type of power is more elusive and also more variable than the preceding: it is easier to shake it off or to deny its existence. Its appeal is one we are inclined to refer to instinct because it plainly violates the maxims of the bargaining reason.

But the essential distinction between the two types of power is that bargain power depends on *desires to have,* whereas prestige power depends on *desires to be.* The desire to be, i.e., to attain certain valued qualities, cannot be aided by any literal possession: it can only be aided by free association with a being who has those qualities. Thus, while marriage is, among other things, a contract, and each partner has a bargain power over the other, this power is subordinate to the mutual power of prestige, founded on a reciprocal need for personal growth which the association tends to satisfy. The desire to be tends to establish a status from which tangible benefits of various kinds naturally follow. But the primary value lies in the association.

If in any relationship the desire to be, i.e., to become something more or other than one is, is satisfied, the person is by hypothesis altered: the *status quo ante* cannot be resumed, the same person who entered the arrangement cannot be withdrawn from it. Any contract assumes that the individual remains intact during the exchange of goods or services; his property is altered, not he himself. But the power of prestige is, and is sensed as being, full of the threat of re-creation;

and the attraction is mingled with a touch of awe or embarrassment and premonitory self-surrender. But the deferring to the superior must be a free act; for if the superior exploits his superiority, demanding obedience or service because of his excellences, he undermines his own quality. Hence the power of prestige is peculiarly unfit for the bargaining process. And further, there is no value-equivalent in terms of goods or services for an increment of being.[3]

123. Togther with most natural associations, the state commonly exerts this type of power also. The tendency to array oneself under a political entity need not depend on any preconsidered advantage, though always mingled with interests of the bargain type. It is seen in its purity in the political ambitions of the Hebrews, which took the form, not of any rational union for computable goods, but of the simple wish for a king, as an embodiment of certain qualities which had prestige in their eyes. The prestige of political headship has now been largely absorbed by the more impersonal system we call "the state"; but it is still the primary source of political power. It is Bryce's opinion that "in the sum total of obedience, the percentage due to fear and to reason respectively is much less than that due to indolence, and less also than that due to

[3] Hobbes is peculiarly skilled in detecting the elements of bargain power that lurk in sentiments naturally directed toward moral ascendency. Thus, the "possession of superior faculties of body or mind" is power in his sense, not because one desires to grow in the direction of that superiority, but because the superior is a good ally. On this showing, the superior faculties are power in the same sense as "riches," "reputation," "friends," etc., i.e., so many advantages in the struggle for more power. As a fact of human nature, prestige power doubtless shades into bargain power by insensible degrees; but it remains a distinct genus of power.

Deference and to Sympathy.'"[4] Bryce uses Deference as the mental correlative of prestige power.

Of this power, one of the symptoms which it would be difficult to explain on a contract basis is the universal tendency to adorn the state and its apparatus beyond all utility. The most calculating of peoples abstract from their own resources to give to the state dignity, ceremony, impressiveness, and wealth. Democracies have sometimes shown an inverted pride in simplicity, but the sordidest democracy is capable of shame when its state affairs fall into shabbiness.

It is possible to regard this prestige power as a relic of primitive attitudes toward barbaric chieftains, a lingering love of display and pomp; and to regard the substantial power of the state as of the bargain order. It is characteristic of the contract theory of the state that it can see no important source of public power except that of the bargain variety. The same is true of the economic interpretation of the state, a special form of the contract theory, which sees in the power of the state at bottom the compulsion upon its inhabitants of their working system of livelihood, with all of its attendant rules and beliefs,—a compulsion as insistent as the love of life itself, inasmuch as the system is, in general, too intricate for the average man to think through and evade or alter.

We have no need to minimize the immense force of these bargain powers which the state includes—and we have especially to deal with the economic power in later discussions—to judge that theories which build with them alone estimate too lightly the inherent shrewdness of human nature. It is a radical weakness of these theories that they fail to see in the state what

[4] *Essays in Politics and Jurisprudence*, II, 473, 477.

the common citizen instinctively recognizes, an aid in what he desires to become, not alone in what he desires to have. Destroy in the average citizen the belief that in the system of laws and property rules under which he lives there is at least a rude and bedeviled *attempt* at justice, and not all its palpable advantages, not any interest of a dominant class, nor any demands of his own family's livelihood could bribe him into permanent submission. He may conceivably lose all confidence in existing laws, and yet retain faith in the state as the source of future and better laws. If the state holds its ascendency in his mind, it is because it embodies for him the qualities of an enlarged and completed human selfhood; it aids him in what he desires to be. And unless it has this prestige power, it cannot so much as have its normal bargain power.

124. We cannot say out of hand, however, that every actual state has this prestige power or deserves it,—our realistic monitor forbids any such assertion; and it is not involved in our theory. For note, we do not say that the state is a superior being, and therefore commands our deference. The superiority of the state is contingent. It is as if it were conferred upon it, rather than inherent; as if men had a need to discover some incorporation of their ideals, and not finding it in any one person, hero, or king, conspired to impute it to a corporate entity.

We have here, in fact, as in the contract relation, a circle in the attitude of men to the state. In the case of the contract, the state was to furnish certain goods and to receive in return certain services; but unless it first received the services it was not in position to fur-

nish the goods. Likewise here. *It is only on condition that men defer to the state that the state can become worthy of deference:* if they love and obey the state, the state becomes their superior; if they do not, it has nothing beyond the Hobbesian interest to hold them in leash.

It has been the fault of aristocratic theories of the state to assume that the superior beings could be found already embodied in human individuals or classes; and that this superiority of itself constituted their right to rule.[5] It has been the fault of most democratic theories to assume that the *better* exists nowhere on earth, except in the ideals of equals; and that consequently there is no rightful power except what these equals devise for their advantage. Neither view does justice to the capacity which human nature finds in itself to give actual existence to the better through an act of deliberate commitment.

125. How this commitment takes place we shall best see after noting what our argument already implies regarding the state's use of force.

[5] Ludwig von Haller states the aristocratic view as clearly as anyone, though he overrates his own intellectual solitude in revealing the "mighty and simple law of nature" which he claims to be "the first to grasp in all its generality, and at the same time, justice." (*Restauration der Staatswissenschaften*, I, 356 ff.) The law is "that there, where capacity and need come together, a relationship arises by virtue of which the former receives rulership and the latter dependency or servitude, but which is nevertheless entirely in accord with justice and to mutual advantage." This mutuality of advantage might make the relationship one of the bargain type purely, were it not for von Haller's insistence that deference is a spontaneous response to superiority, to an *Ueberlegenheit* which is not necessarily *Ueberlegenheit an irgend einem nützlichen Vermögen.*

Force is, in general, hostile to the growth of prestige power, as of bargain power. Respect and fear often coexist; and there are disciplinarians who believe in "putting the fear of God" into their subordinates by physical demonstration as a foundation for a deferential morale. The plan has occasional merits. But deference can show its genuineness and its actual measure only when fear is excluded. And as it is the essence of economic health that bargain powers should develop freely, other things equal, so it is the essence of cultural health that prestige powers should develop and distribute themselves in society wherever natural honor or respect is due, unhindered by the falsifying influence of fear. A man becomes a skilled surgeon; as such, he has a bargain power and also a prestige power. A society in which men are encouraged to become skilled surgeons, etc., is one in which such powers command their due tribute in terms of income and of recognition without an auxiliary equipment of arms. Power of this sort is felt to be rightful, and the distribution of such powers in society is sometimes roughly indicated as a distribution of 'rights,' a right being a power that maintains itself by its worth, not by resort to force.[6]

In the interest, then, of the free growth of bargain and prestige powers, which is at the same time in the interest of the making of men, *the play of force between members of a society must be kept at a minimum.* How can this be achieved?

If anyone is disposed to use force on his neighbors, and thus disturb the free play of bargain and prestige

[6] We are not here speaking of legal rights, but of the raw material from which legal rights are made. The theory of rights will be developed in detail in another volume.

powers, he can conceivably be restrained by a prestige greater than the one he scouts, but only surely by a force greater than his own. But the use of such force in self-defence by holders of either of these powers defeats the freedom of appreciation by others, quite as much as the use of force against them. The force that is to counter force must therefore be in the hands of an agency standing *outside the circle* of these powers-to-be-protected, the cultural and economic interests of society. The state is that outside agency. Hence, *the potential use of force by the state, and by the state alone, is necessary to assure to the bargain powers and prestige powers of society their freedom of growth and decline.* The state must use force in order that other groups, and individuals, may be free not to use it.

126. But if the state must pick up that weapon of force which corrupts the freedom of appreciation of every other bargain and prestige power, what becomes of its own prestige?

If the state were merely a transparent law-and-order entity of the Kantian type, using its force solely to secure the freedom of these other powers, and not to insist on its own dues, such use of force could hardly react against itself. But the state, in so far as it exists to do things, and not merely to keep order while its citizens do things, does use its force for other objects. It compels coöperation in its history-making activities; and occasionally it compels a show of deference to itself and its symbols, at the evident risk of adulterating a natural freedom of respect with a degree of hypocrisy.

The answer is to be found in observing, in the first

place, that it is not force *per se* that is hostile to prestige,—witness the relations of parents and children: it is force as used to distort the free course of natural desire or appreciation, the sources of bargain and prestige power. Or to state it otherwise, it is force used to displace 'reason'—reason in the broad sense of value-appreciation above referred to.[7] Whether a given state does use its force in this way is a question of fact; but force is not necessarily antagonistic to reason even when used to promote the commotive enterprises of the state.

For consider the position of a power in society holding an irresistible force and compelling coöperation in its projects. Such a power always has its dissentients; its use of force presupposes their existence. There is always a minority whom the state in effect coerces,—to this extent Lenin is entirely right. But note precisely what this monopoly of force means: it does not mean that criticisms are suppressed, it means solely that the critics are *disarmed*. And this, in turn, means that if they wish to alter the state's action, they must appeal to reason. Clearly, it makes all the difference in the world to these disarmed dissenters whether the holder of power is a reasonable being, accessible to reasoning, or not. If it is reasonable, its possession of force merely *tends to produce a reason-using community*. And if, further, this force were not once for all in certain hands which must then be won over, but stood at the command of whoever wins in a reason-contest, so that citizens could reason their way into power, it would immensely stimulate the growth of a continually better reason-technique. The state in such an ideal case would be purely a servant of reason; and

[7] § 46.

to what extent this is true, I repeat, is a question of fact, not of theory.

But while the prestige of the state depends most directly on how it uses its force, it depends most fundamentally on its *having the monopoly of force* to use; and at this point we recur to our discussion of the 'commitment' which lends the state its original capital of prestige power.

127. Wherever an irresistible force is placed in the social body, there is a mighty risk in placing it: all minor powers, consenting to such a force, thereby put it out of their reach to resume physical freedom. Now my proposition is that *it is only by way of such risk that the state can become fully worth deference.*

For the risk is, in the last analysis, a risk taken in the good faith of one's fellows; and the (virtual) act of commitment which renders each vulnerable to the possible injustice of the common force, is of itself the strongest appeal to the other members to join in a common moral effort. No actual state is worthy of absolute respect or obedience: it is only "the state," i.e., the ideal state, that can enjoy absolute prestige. But every state deserves whatever ascendency is given it by the unreserving commitment of its members to the task of setting up a freedom-protecting force in the world; a commitment whose sincerity can only be shown by their free surrender of their own power of resistance to the state's action.

Such an act of confidence all stable governments receive, not, of course, in the form of an overt announcement, but in the form of that notable continued assent to the monopoly of force which we commented upon. This attitude so far as it is alive, and not merely ha-

bitual indolence, has a meaning which could be translated into an explicit formula, somewhat as follows:

"I commit myself and my fortunes without reserve to the reason of this people, surrendering to the organ of our united will command of my physical forces, and assuming that all make the same commitment."

This is not a contract, offering an exchange for goods already in sight. It is an act of faith which must bring about those very goods for whose sake the surrender is made. How far any people may be worthy of such an act of confidence cannot be proved in advance. Note that one's faith is not in particular governments: one knows that in the united acts of any people there will be errors of judgment and acts of exploitation and ill will. One who has put it out of his power to resist has no recourse except to the disposition of the people to rectify these errors. Confidence in this latent moral resource cannot be ultimately mistaken, because the capacity for justice is inseparable from human nature. But its effectiveness is a matter of degree; and to bring it to due vigor may require of any citizen at any time the abandonment of every other interest in the single task of arousing it. It may require his rebellion and his acceptance of extinction at the hands of the irresistible force he has consented to. In a truly political community the extreme protest provokes a return to reason: if it does not, the commitment was a mistake, the sacrifice a human failure, and no more can be said.

I do not say, therefore, that the act of commitment is sufficient to constitute the state: I only say that it is necessary, i.e., that without such an act of mutual conspiracy there can be no state; and that this act tends to bring about that actual moral ascendency in which the monopoly of force is justified.

128. Two corollaries follow from this view:

First, a state cannot have its due moral power without having physical power.

Second, the physical power of the state is not legitimate unless it is an integral part of its moral power. It is time to make an absolute break with the pernicious tradition fostered by Kant that the action of political bodies is primarily in the 'external' or physical sphere.[8] The chief burden of the work of the state, that of sustaining the habits of lawful behavior, is carried silently by its moral prestige, i.e., by the persistent belief that it stands in the main for the longer thoughts and conscience of the community, and for its culture as well. It acts for the most part, as certain Chinese political philosophers would have it act, by non-assertion.[9] Its power is greatest when it so acts. For while energy is most sensible when there is an over-againstness in the situation and a play of compulsion, it is most substantial when it is mutual, and locked, as it were, within the molecule, a store of potential energy the property of none but the whole. So men are best ruled when the will of the state is reproduced in their own self-control stored in habit: there is more power in a community when no part of it is exerting a displacing stress on any other part. In this sense (and not with respect to the scope of its activity) it will always be true that the state governs best that governs least: the constant appeal to force is the sign of a bad disciplinarian.

129. With the assigning of force to the state our

[8] For the intent of Roman Law to reach the inner disposition, see Hooker, *Ecclesiastical Polity*, p. 91.

[9] Cf. Li Ki, pp. 375 ff.; Tao Teh King, c. 3, 10, 17, 29, 37, 40.

comparisons of the state with other social groups reach a natural conclusion. For the assigning of force is the acknowledgement of a unique place.

This uniqueness has appeared in all our comparisons, elementary as they have been. In each case, the state, while remaining a social group among others, has been found to occupy a position logically *outside of them,* i.e., reflecting upon them and their contrasts. In respect to extent, the state aims to be space- and time-inclusive in order that other groups may freely find their due limits in space and time. In respect to the bond among its members, the tie of citizenship is at once universal and non-intrusive, standing above the distinction of personal and impersonal, leaving its members free to experiment with their various cultural attachments. In respect to origin the state is neither purely natural nor purely artificial but partakes of both characters and aids in the internal development of both types of association. In respect to power, since the power which the state exerts has its source in the sum of all these peculiar services, it will bear the trace of their peculiarity. That sum is expressed in the fact that the state promotes the making of men by promoting the free and natural development of those bargain and prestige powers which they exercise and amid which they live. Standing outside the arena of these powers and maintaining their free play, it receives the grant of force as the confirmation of its uniqueness, its embodiment of the reflective capacity of human nature.

130. Now the act of commitment which thus unites the physical and the moral powers of the state and confirms its uniqueness establishes therewith what is known as its 'sovereignty.'

It is not necessary to import into this notion of sovereignty any of the difficulties or terrors of the metaphysical Absolute.[10] Sovereignty is most simply understood as the acknowledged right and power of final decision in public acts. The sovereign possesses only such finality as is necessary to enable the group to carry out common action without the necessity of receiving commands from any source outside itself. To this end there must be a single command of common forces; and there must be a way of knowing when a decision has been reached,—some word must qualify as the final word. For the modern state this means that there must be some final voice in each of the several branches of government: i.e., some court of last resort, some final authority in law-making, some supreme commander of public forces, some agency capable of speaking definitively for the state in dealing with foreign powers. And there must be some way of bringing these several near-sovereignties into working agreement. Whatever that way may be, prescribed or spontaneous,—and note that the sovereign is not a physical object,—that way is the physiology of the state's will; and the voice that emerges is the voice of the sovereign.

If we were to bring together such fragments of a conception of the state as we have now reached, we might describe the state as a *territorial body of people united under a sovereign power.* This definition would be formally correct and sufficient for the purposes of analytical jurisprudence: it would omit nothing but the essence and life of the state, namely its purpose.

[10] Certain logical difficulties in the notion of sovereignty will be examined in chapter xxvi, in which we settle our accounts with political pluralism.

Let us give substance to our formula at the cost of complicating it, and say that the state is a territorial body of people united under a sovereign power for the purpose of making a better breed of men, by way of participating in world history and rendering more rational the inner play of social powers.

Even so,—and in spite of our having strayed occasionally into the psychological field,—our conception remains abstract and incomplete at every point until we can see in concreter terms what human nature needs and finds in the state. We turn therefore to the psychological enquiry.

PART III

PSYCHOLOGICAL FOUNDATIONS OF THE STATE

CHAPTER XIV

THE PLACE OF PSYCHOLOGY

WHEN there was no science of psychology, and every man was his own observer of human nature, political writers took it for granted that some view of the mind of man was an essential part of a theory of the state. To Aristotle, it was man's disposition to frame language, to use signs for abstract ideas, and in particular to apply the conceptions of right and wrong, that mark him the political animal. To Grotius, it was his innate sociability; to Hobbes, it was the dominance in him of egoistic impulses whose satisfaction would be most perfectly secured by unlimited power, but most prudently by the compromise of peace. Some generalization about *what men fundamentally want* was thus used as a premiss; and the political order was deduced as a useful or necessary means to that end.

But psychology has now become a science; the social sciences, including economics, discovering that it will not do to assume man a purely rational being, have been turning to it for help. And, strange to say, they are likely to be disappointed. For scientific psychology is no longer the knowledge of human nature. It deals, in practice, with only a fraction of the mind, and that not the most important fraction. The situation to-day is peculiar and deserves comment.

132. There is something extraordinary, not to say suspicious, in the very existence of a technical science of the mind. For such a science presumes to enlighten us about ourselves, a subject with which each one is in some sense intimately acquainted. What it has to say of this subject, we might fairly think, must either be such as we can verify in ourselves,—in which case the science is needless,—or else it is such as we cannot verify, in which case it is false. The situation is indeed not quite so simple. But this is true: if self-knowledge were impossible, psychology would be impossible; whereas, if self-knowledge were easy, psychology would have nothing to do. Technical psychology exists because there is a borderland of enlarging and difficult self-knowledge; and it has no legitimate place except on that borderland. It should be nothing but a path-maker for personal self-judgment. It is wholly out of place when accepted—as the crowd now accepts it—as a substitute for self-knowledge, and a reporter of hidden marvels. So taken, it makes a mystery of its subject and creates a mythology of human nature for those who forget that the test of its truth is within them.

This is particularly the case with the psychology that emerges from the laboratory and the clinic. For in proportion as psychology aspires to be a natural science, in that proportion is it attracted by whatever about the mind can be measured and experimented with. In its picture of the mind, whatever is accessible to technique will loom overlarge: hence we have 'behaviorism,' in which the physically detectible phenomena of mind are prone to masquerade as the whole of it, or Freudianism, in which mental disease is apt to furnish the standard for interpreting mental health.

Now these phases of psychology are the nucleus of the science: they are psychology *par excellence,*—for they reach precisely what eludes simple self-observation. It is not falsehood that they teach, but rather distortion: and not even distortion except by the tacit illusion which mistakes a part for the whole. What needs to be noted is simply that this psychology is not the 'science of the mind':—it is the science of the mind *as a thing of nature,* that is, as a part of the nexus of causes and effects in which the physical organism is entangled.

133. But what is there of the mind that is not a part of the chain of cause and effect? At least that part which for Aristotle and Hobbes was most characteristic of the human animal, reason. For what is due to causes is *ipso facto* not due to reasons, and what is due to reasons is not due to causes. Let me illustrate.

A soldier hears the whine of a passing bullet: he dodges, though he knows that the bullet has passed him before he can hear it. Here is a stimulus and a reaction, a cause and an effect, such as psychology rejoices to deal with. Reason is in abeyance. The same soldier, recognizing the direction from which the bullet came, now crouches behind an embankment. Here an act of reasoning takes place, and gives the fear-impulse a useful direction; but to one who is considering the energies involved in this action, the element of reasoning can be ignored. It has played a rôle like that of the switchman, whose work is unnoticed by the passengers, and which may be neglected in reckoning the effort of the locomotive. It has simply provided the 'stimulus' with an appropriate 'reaction' which, to consciousness, appears as if it were *the* reaction, so

evanescent are our reasonings to psychological observation. We are, indeed, always reasoning: for to be awake is to be thinking; but we are seldom expressly conscious of this thinking. To cross a street amid traffic is to make a thousand rapid inferences. But one has only to state the major premiss of these inferences—"that step is to be chosen which is on the shortest path avoiding collision"—to see how little it asserts itself, blending with whatever causes are there at work and becoming a silent part of their motion. Indeed, to a reasonable being, a rational response is simply the natural response.

But let a reasonable being make a mistake in his reasoning, and his mistake immediately becomes a phenomenon for psychology. There are causes for mistakes: there are no causes for right judgments. If I add two and two and get four, the result has nothing to do with the climate, the state of my nerves, or my personal idiosyncrasies, complexes, or inhibitions. It is no function of any *event* in heaven or earth. But if I should get five, an enquiry into these conditions would at once become relevant. There is no reason for going wrong; there is no cause for going right.

Hence psychology is peculiarly interested in errors and illusions. It might almost be called the science of human fallibility.

134. But psychology claims another region of human nature, one which belongs neither to reason nor to error, namely, the unreasoned premisses for all action. Given the desire to live, reason can deduce the means for escaping danger; given ambition, reason can recommend ways to obtain power; etc. But can reason deduce or induce or otherwise establish the

desirableness of living? It seldom makes the attempt. It is seldom challenged to do so. Men are regarded as sufficiently reasonable if they can refer their conduct to the great preferences in which most men join. These preferences, as the starting points for the deduction of ways and means of living, are taken for granted, as so many value-axioms. But general acceptance does not constitute rationality. And if the demand is pressed that these preferences be explained, reasons commonly give way to causes. Psychology offers an explanation. We prefer as we do because of our antecedents, biological and social. Instinct and tradition give us our major bents. And we have these particular instincts,—showing themselves in the love of life, etc.,—because those in whom they were well-marked have had an obvious natural advantage over those in whom they were less marked or absent.

Reason terminates in general truths which are supposed to be self-justifying, or in general purposes whose value is held to shine by its own light. Psychology challenges every such pretence to absolute validity, and proposes to show these 'first principles' as results of antecedent causes. In this respect it is the science not so much of human fallibility as of human relativity.

In either case, it is in the non-rational that it builds its nest. It represents man's theoretical surrender of the ultimate guidance of his life to the control of powers which to him are blind.

135. Now of these causes invoked to explain human choices and behavior it is common to distinguish two sorts,—those which sum up as 'heredity' and those which sum up as 'the environment.' Heredity shows it-

self in a great variety of congenital reflexes, instincts, appetites, and other dispositions, though in loose usage the word 'instinct' serves as a name for all the elements into which heredity may be resolved. Until recently, social philosophy has been prone to fall back upon some instinct or other for explaining all the outstanding peculiarities of human conduct.

Most behavior, however, involves both instinct and environment. Instinct can do nothing to explain why English infants acquire English rather than French speech. On the other hand, the social milieu can do nothing to explain why infants acquire speech at all, or why, in the same surroundings, some acquire it rapidly, some slowly, and some few not at all. The instinct is needed to explain why the tradition *takes:* the tradition is needed to explain what form the instinctive tendency assumes.

It might seem, on its face, a totally useless and unscientific performance to set up rivalry between two factors both of which are necessary to explain the shapes assumed by adult behavior. But the strong tendency at present to cry custom up and to cry instinct down is well justified by the prevalent uncritical reliance on instincts. We must consider for a moment the case against instinct.

136. There is a certain illusory finality in assigning instinct as a cause of anything.

Babies suck because they have a sucking instinct; men go to war because they have a pugnacious instinct; they build states because they have a political instinct. How definite and satisfactory such an explanation! Reminiscent of the older metaphysical explanations by faculties and occult powers. Is it any-

thing more than a recapitulation of the behavior itself in terms of a 'force' which is presumed to bring it about? Would not scientific clarity confess that we have nothing but the description of the behavior in the form of a general 'law'? It is indeed not quite so empty as this, for the reference to heredity is a reference to a veritable process about which something is known. But so much is clear: that instinct is itself an effect, and is not to be taken as a primary cause; and that instinct does not exist in any such block fashion as to serve as a sole and sufficient explanation of any human habit.

For man is so made that in the acquisition of his mature behavior the largest possible play is given to the shaping and educating factors, while congenital predetermination is reduced to a minimum. Ingenious differential experiments are taking away little by little the area of behavior that can be attributed to instinct *en bloc*. If the songs of birds must be learned from other singers, far more is human language dependent on tradition. Not even the time-honored institution of the suckling babe can any longer pose as a pure case of instinct.

137. To be available at all for scientific purposes, a causal factor should be identifiable,—something about it should be unchanging and unambiguous. But instinct is so far subject to transformation that its constant nucleus is hard to identify. If it has a definite entity, it is a treacherous entity; so much so that with whatever good will no two observers can agree upon the list of instincts.

An instinct should be a nervous mechanism with an assignable stimulus and an assignable response lead-

ing to an assignable end-condition of relative repose. But clearly, social habits shift the stimuli which set off instinctive processes:—as waking in the morning, once a response to growing light, may now be a response to whistles, bells, or alarm clocks. And civilization alters even more radically the ways in which the response is carried out. Expressions of pugnacity change widely from boyhood to maturity, and still more so with the maturing of the race.

If the characteristic behavior of instinct is thus at all points determined by the social environment, why dwell on the instinct at all? Is it not society, after all, that has its way with instinct, not instinct that has its way with society?

138. These difficulties in reaching a serviceable view of instinct appear at their sharpest in political theory.

It is not so long ago that political writers could confidently speak of a political instinct. Von Treitschke declared that "the human species is made, once for all with certain inborn gifts, among which the gift of speech and the state-building instinct must certainly be counted." And one American writer has gone so far as to attribute to the Aryans an instinct for government by three factors, viz., king, witenagemote, and folkmote; and to assert that the rise of modern liberty is but the reassertion of this old instinct after century-long submergence. Such faith in the detail of innate tendencies is surely the evidence of things not seen. It may safely be said that *no such thing as a specific state-building instinct can be discovered.* If the state depends on instinct at all, it depends on the conspiracy of a number of innate tendencies such as sociability and speech, self-assertion, and self-abasement. It is

upon these latter instincts that recent writers have laid much weight. It will be well to consider how they have been thought to operate.

139. Appeal to an instinct of self-assertion has one advantage over an appeal to a political instinct,—there can be no doubt of its existence. At least, there is no doubt of the existence of an impulse to dominate, which in some individuals reaches a high pitch of intensity; and there can be no doubt that this fact has profoundly affected social structures. What kind of effect results from the attempt to control others has naturally depended on the resistance, on the presence of other aspirants for leadership, and especially on the working of the complementary impulse of self-abasement[1] in the remainder of the group.

When this latter impulse is abetted by imagination and religious awe, it can do marvels toward providing a well-grown despot with a subservient population. It is perhaps on account of this trait that conquests in Asia have so often assumed the character of an avalanche and that the handfuls of Spanish conquistadores were able to subdue large and powerful states. Ghengis Khan was notably helped in his career by a prevailing fear that he might actually be what he styled himself, "the scourge of God," a fear in which the state of the Asiatic conscience at that time was certainly a factor. What potency the self-abasing im-

[1] The psychology of Mallock, Mumford, Faguet, etc., who refer the state to the work of dominating individuals, is incomplete without the recognition of this equally native impulse to accept leadership,—an impulse made prominent by McDougall, and partly acknowledged by Spencer, in his theory of the rôle of fear in state-making, by Tarde, in his theory of imitation, and by Galton, in his stressing of the 'servile' aspect of the social impulse.

pulses are said to have attained is hardly credible to modern temper. If we are to believe Howorth's history,

> A Mongol entered a populous village and proceeded to kill the inhabitants one after another without any one raising a hand. Another, wishing to kill a man and having no weapon by him, told him to lie down while he went for a sword; with this he returned and killed the man who in the meantime had not moved. An officer of the Persians with twenty-seven men met a Mongol, who was insolent:—he ordered them to kill him: they said they were too few, and he actually had to kill him himself, having done which, all immediately fled.

Be these tales mythical or not, they illustrate what the two instincts we are considering might accomplish when aided by a snowball of prestige and a superstitious imagination. We may accept without discussion the probability that the early military states could not have been established without the aid of these instincts. Why not accept them, then, as the basis of political psychology?

140. For several reasons. In the first place, these impulses are not peculiar to the state. They are visible in the family, in religious groups, in working gangs, in sports,—wherever there is leadership and the acceptance thereof.

In the second place, it remains to be shown whether they are always at work in state-building. Is self-assertion on the part of the leader *necessary* to the existence of the political relation, or is it merely a common way in which leaders have taken the saddle? According to Ludwig von Haller, nothing more than a marked difference of ability is needed to develop a primitive political relation among mature men, quite without the

self-assertion of the abler; since the less able spontaneously look to the abler for the guidance which the abler are equally spontaneously disposed to give. And if Bluntschli is right, self-assertion and its counterpart are passing phases of political consciousness. The primitive attitude toward leadership, he thinks, is one of "half trust, half fear, toward a leader by whose courage and genius they are impressed"; and this attitude contains certain elements of falsity which have to come to the surface and be burned off before the normal "consciousness and will of a state" can emerge. In this intermediate stage, the servility of the weak combines with their inertia, and the dominance of the strong with their vanity, their need to be served, and their willingness to accept praise from the mouths of the servile. It is in this intermediate stage, and only there, that the instincts of self-assertion and self-abasement are conspicuous; and it is only when this stage is recovered from that the true political consciousness appears. Both von Haller and Bluntschli wrote before the heyday of instinct theories had come; but their views of the psychological origins of the state may be the better balanced because of that circumstance.

And, finally, even if these impulses were always at work in the beginnings of political order, it would still be questionable (as Bluntschli's view may suggest) whether they remain *essential to its continuance.* The psychology of state-origins does not infallibly give us the psychology of the state,—though the fallacy that it does so dies hard, and vitiates the writings of the majority of recent writers on this theme. The simple fact of domination and subservience never stands alone; and there is reason to believe that the essence

of the political order lies in, or at least includes, some of these its accompaniments. Thus, the I-will of the ruler cannot remain a purely individual self-assertion. For whatever the command, the human mind, in ruler and subject alike, senses its 'principle,' and applies it in imagination to everybody, including the commander. Through this incurable human trait of *generalizing the import of action,* there is a tendency for all commands to return upon their source; and there is an answering tendency—as weak as you please—for the ruler to find himself vulnerable to this logic, especially where it chimes with his own reasonable but weaker motives. In time, the successful aspirants for power will be so far caught in the toils of their own success as to fall subject in some degree to the spirit of the requirements they impose on others. The commanding element in the state so far *ceases to be the mere person of the conqueror;* and some such change seems to be essential before the stratification which the self-assertive instinct promotes can be said to constitute a state. However this instinct and its counterpart may be engaged in political origins, the result outpasses what these instincts either call for or are able to produce; and to base our theory of the state upon them would be to stultify our view of the state in advance.

141. These difficulties of the self-assertion-theory of the state are primarily logical: they do not question self-assertion as a fact of human nature; they do not question its existence *as an instinct.* But this alleged instinct deserves some scrutiny from the psychological angle as well.

The disposition to assert oneself is not a fixed quantity. It is not so far dependent on heredity alone as to

be immune to the influence of institutions. The domineering temper grows by what it feeds on, as ambition is nourished by the presence or supposed presence of opportunity. And conversely, a tyrannical regime will exaggerate, or even develop, servile traits in people who before had a habit of independence. The rule of the ancient Incas was able to transform the tempers of tribe after tribe of the free and warlike denizens of the Andes into the tamest acquiescence in the most intrusive of state socialisms.

Hence an appeal to human self-assertion as a cause, is an appeal to a highly uncertain quality. When instincts are so plastic to institutions, we cannot in turn explain the institution as a result of the instinct. Bees and ants may be relied upon to arrange themelves in societies whose structure remains as true to type as the honeycomb itself; but not so the human being. It is not certain, *a priori,* that a human nature whose instinctive needs now require a government might not so far change in the course of time and training as to require no government at all,—so far as instinct can assure us.

Further, the fact that self-assertion is paired with self-subjection,—not in different human beings, but in the same human being,—renders any inference from its existence hazardous. And this is a frequent situation among our innate tendencies: we find ourselves impelled, not in a single direction, but in two opposite directions at once. Thus, in presence of a sufficiently strange object men may find themselves impelled at once by curiosity to approach it, and by fear to retreat. This structure makes for balance and hesitation, and gives an opportunity for the lurking wraith of rational choice. But wherever such bifid structure exists it is manifest folly to attempt an explanation by either in-

stinct alone, and meaningless to refer them to both, unless we know the law by which one or other of the opposing forces becomes dominant.

And, indeed, the very identity of this instinct of self-assertion is less clear than might be wished. For we are also credited with an instinct of pugnacity; but is pugnacity wholly different from self-assertion? One of these may have a wider field than the other, but there is a certain coalescence of domain. And this also is characteristic of the human instincts of the more general sort: they blend into one another and are capable of a certain vicarious satisfaction, as one who slakes his thirst does something to stay his hunger.

How can such entities provide any basis for social theory? Is there not every reason to discard them?

142. The simplest reply to these proposals to abandon the use of instinct in social theory is that it can't be done; because instinct, after all, exists. If there is such a thing as 'human nature,' passed on through the channels of heredity, and if human nature after all affects institutions, since it must live in them, then instinct must be considered; for instinct is, by definition, merely a specific aspect of this hereditary human nature. The plasticity of the glacier to the shape of the valley does not prevent the glacier from chiseling that valley in its march.

It is futile to refer institutions to custom or tradition, as if institutions, without the complicity of human nature, could continue themselves. No amount of external insistence can create a habit in any individual: the habit must be chosen by him, and the choice implies a native interest of some sort. Unless there is

a speech-impulse, speech-habits will not be picked up from the environment. It is true that custom begets individual habits in the new generation, and these habits sum themselves to constitute its custom; so that the cycle, custom—habit—custom, constitutes a self-continuing series, having a definite conservative force. But there is a critical point in the cycle: that is the point at which the individual adopts the custom into his habits. Here he takes *what he can use* from the custom: and this is never a precise replica of what was offered him. There is, therefore, never an exact reproduction; and all conserving is conserving *with change,* because every member of the society communicates something of his native impulse, his instinct, to that form. Each one conserves according to his varying capacity, and as the instinct-pattern varies, most widely among the different races, so the transmission varies. There is no *a priori* likelihood that men of different racial endowment can, with the best will in the world, equally succeed in catching the ideas embodied in a given national tradition. The mixed breeds of later Bagdad could raise their heads but part way into the meaning of its early cultural splendor; given the altered type of instinct, that civilization was powerless to maintain itself.

Custom cannot inaugurate itself; how then can it conserve itself? Instinct is the prime mover; habits and customs are results. Institutions are solutions of problems set by human nature. Property is a solution of a problem created by conflicting impulses of acquisition. The family, in all its forms, is a solution of problems created by converging impulses of sex-love, parental attachment, the need of children for authority, economic advantage, and the rivalries of com-

peting lovers. Apart from the instinctive demand, the institutions lose their *raison d'être.*

However protean the shapes which instinct assumes, it is still a *something* which demands a hearing and finds it. It is falsely pictured as a mechanism set off by a stimulus. For such a mechanism might conceivably remain inert for an indefinite time, like a loaded gun, without any demand for action and yet be equally ready to act when stimulated. The gun cannot be said to have a need for exercise: an instinct has a certain need to be employed, as an integral part of a total round of activities constituting the 'life' of the species. If the demand for action is absent, the individual is judged abnormal or incomplete; few parents are content if their boys are so made that no indignity or chip-on-the-shoulder acts as a spur, or if weeping and despair are the habitual responses where rage might be expected. The substance of instinct, whatever it may be, is desired as making up the specification of the man. The variability of instinct does not abolish the thing that varies; and the extreme difficulty of the scientific problems that emerge gives science no license to vote the thing out of existence.

143. The obvious alternative is to do what we can to *establish the laws by which instinct changes its shape.*

There are at least three important types of variation, two of which have been studied with some care, namely, the transfer of stimuli to other stimuli (the 'conditioning of reflexes') and the alteration of modes of reaction above mentioned. These may be called mechanical transformations; they obviously facilitate the accommodation of human habits to changing social traditions. In all such changes the 'central' part of the

instinct remains intact: it is still the same end-situation that is desired; and the desire has the same emotional hue. But there is a third type of change which invades this central region. It is the most important type of change, in its social consequences, and at the same time the least studied. Failure to recognize it is the chief occasion for that confusion which leads to the cry that the conception of instinct be given up.

This third type of change may be called the *interpretation of the instinct-aim.* The instinct may be enlightened as to what it wants, and still remain the same instinct. Anger does not cease to be pugnacious if it transfers its objective from annihilation of the offending person to revenge or to punishment. Experience is largely taken up in this fundamental shifting of aim through learning more accurately what one wants.

One of the results of this interpreting process is that the aims of the several instincts begin to converge, or to organize themselves, within a more or less clearly grasped purpose. Among the animals, the round of life usually brings each of the instincts into proportionate activity; and each may act for itself without reference to any more general aim than simply continuing to exist. In mankind, living under artificial conditions, there is no mechanical certainty that all the instincts will be roused to action in due time and proportion; and some of them, as sex and pugnacity, may never be brought into complete action. In such cases, either there is organic unbalance and incomplete development, or else the process of interpretation allows the unused instinct a vicarious or substitute satisfaction, in terms of its general rather than of its specific demand. So far as the interpreting process is successful, we may say that *no one of the instincts needs to be satisfied by itself,*

but only the unitary purpose which the individual has conceived. The satisfaction of this purpose implies the satisfaction of the vital impetus as a whole, of which the several instincts are merely aspects, distinguished by their names rather than in organic fact.

144. But evidently this process of learning what one wants, and of unifying one's several impulses under one general trend of purpose, has as one of its results a growing perception of *why* one wants each instinct-object:—one's values tend to become 'reasonable.' The instincts cease to be merely there as opaque facts which we take as part of our inheritance: they become part of ourselves. Behavior ceases to be merely an effect of ancient causes: it becomes a corollary of rational purposes.

It would be too much to say that the interpreting process ever completes its work, so that we can say that we now know why we prefer what we prefer. But it is not too much to say that this is the destiny to which the process tends. *All instinctive tendencies are destined to be turned into reasoned conduct.*

The process of interpretation begins in individual experience. Instinct is an impulsive initiator of behavior, but with the first use of the impulse memory supervenes and with it that critical review of the experience which ensures that the next occasion will be carried out differently. In the end, it will be the self, and not the instinct, that acts. And as no instinct can remain outside the conscious purpose of the owner, no instinct *per se* is a secure foundation for anything. It is only what reason can sanction that can endure.

This may be said without modification: the most profound instincts are not immune. Under the influence

of a philosophy like that of Buddha or Schopenhauer, it is conceivable that the race might turn its back not alone upon property, ambition, sex, as many individuals have done, but upon the will-to-live itself. Nothing in instinct is secure unless the same thing is secure in conscious will: no human need is 'natural' unless it will stand all present and future rational examination.

145. What, then, is the place of instincts in social theory? It is important to recognize the instincts that have played a part in shaping each institution: and this, after all, is not a difficult matter. But it is more important to determine what these instincts mean, i.e., how their aims are to be interpreted.

Any appeal to instinct must be a theoretical halfway house. To say that war or competition is due to pugnacity, or the family to the instincts of sex and parenthood, is to say truth; but it is to say nothing final. It is to offer a beginning, not an end: the theory that ends in an instinct ends in an opaque fact and is little better than a form of dogmatism.

But so is any theory which ends in a *cause* for what men do, rather than in a reason. Hence psychology itself is a halfway house. When it discusses instincts, it is dealing with non-rational elements of human nature; but not with unreasonable elements: the rationality of instinct is latent; it is uncovered by slow degrees through the processes of history and reflection. Instinct has sometimes been regarded as showing the wisdom of the 'subconscious' as contrasted with the intelligence of conscious mentality; it has been recognized that in his emotional reactions man normally displays not a lesser sagacity than in his explicit rea-

sonings, but a greater. But whether lesser or greater, *it is a sagacity with which we are concerned;* the 'subconscious' is not blind, but cognitive; its knowledge is of the quality of intuition; it is a repository not of dead memories, but of living ideas; its suggestions are premonitory of what will become the conscious demand.

It is not a new discovery that instinct is reason in preparation. Hegel's view of human history involves this view of evolution. For Hegel's reason, or *Vernunft,* is not explicit at the beginning of history, but at the end. *Vernunft* is instinct becoming self-conscious. The process may be read from either end: with the psychologist we may regard reason as explicit instinct; with the idealist we may regard instinct as implicit reason. The language of psychology has an advantage in this; that it involves no commitment as to what the ultimate reason may be; it makes no attempt to forecast the result of the infinite process of interpretation. But admitting the advantage of the tentative attitude, it remains true that the psychology of institutions is but a preliminary form of their philosophy, and the reference of institutions to instinct is but a rear path of return to idealism.

146. There are few of the human instincts that do not bear in some way upon political action. But many of them, such as self-assertion and self-abasement, play in a social grouping already formed; and we propose to give our first attention to the mental traits that underlie society itself, seeking then among them, or beyond them, for the traits that lead society to take on the political structure.

CHAPTER XV

SIMPLE SOCIABILITY

SOCIAL groups and arrangements are certainly not creations of a social instinct alone. All human association has its utilities. Apart from the life of the family, early man is most visibly gregarious when he is engaged in coöperative fighting or hunting: he is gregarious for a purpose. Of the two great trunks of instinctive action, hunger and love, hunger with its development into acquisitive traits and economic interests has perhaps as much to do with the building of society as have the various aspects of love. With these economic factors we shall deal in due time. For the present, we shall ignore them, in the interest of learning what the purely social bent of nature is, what it means, and what social forms it would tend to produce if it operated alone.

It hardly needs an argument to show that there exists, apart from all utilities, such a native tendency to associate. Coöperation would be useful at times to almost every species; but the utility does not bring about the coöperation unless the species is already gregarious by disposition. No common cause drives tigers to hunt in packs; no emergency aligns them in a common front of battle. Useful coöperation presupposes the group as already made up, more or less skilled in the signs by which common ends are adopted and pursued, more or less accustomed to one another. If, as Graham

Wallas suggests,[1] leadership in primitive human groups was shifting and occasional, determined from moment to moment largely by competitive shouting, like that of the wolf-pack crying now after one scent-yelper and now after another, it is evidently not the leaders that bring about the coherence of the group, and presumably not the occasions. The group exists first; its powers of coöperation are useful afterward, and in various ways not prescribed in the fact of their association.

But as a plain fact of observation, even if we knew nothing of our own motives, nothing is more use-free than the process of 'opening communications' between human beings. It should hardly need Grotius' evidence to show that men would flock together even if there were nothing to be gained by it, inasmuch as it is still chiefly when there is nothing to be gained by it that they find themselves in crowds and assemblies. It is not because men wish to organize, or to barter, that they develop speech; it is because they have the independent disposition and capacity to talk that they can transact business: the exchange of ideas provides the frame for the exchange of goods. And the deprivation of companionship produces a hunger which has nothing to do with the need of bread, of shelter, or of defence.

To speak of human sociability as instinctive is to recognize this use-free and untaught character of the disposition to associate. The social instinct serves in the mental world somewhat as gravitation in the physical world, leading individuals into those simple relations of living together and sharing ideas from which

[1] *Our Social Heritage*, p. 57.

an infinitude of developments useful and otherwise may follow.

148. As an instinct, sociability has its peculiarities, because of the fact that it is not concerned, like fear or food-getting, with the physical environment, but with a mental and therefore invisible environment. The 'others' with whom sociability tends to maintain dealings are also physical organisms, and there are doubtless sense-signs of various sorts which apprise each species of the presence of its own kind; but there is no infallible or necessary sense-sign which could serve as a typical 'stimulus' of the social instinct, and no specific mode of behavior which could pose as a 'response.' To be 'in communication with others' is a vague condition; it implies not always speaking, nor being always near: a frontiersman who had a neighbor within fifty miles was distinctly in society! It is just such a variable condition of *possible presence* that the social instinct seeks to maintain.

But to be in the possible presence of others of one's kind is to alter in a curious way one's relation to his physical world. The others have the same instinctive interests in those physical objects, as foods, possessions, etc. To be aware of a companion, therefore, is not merely to be aware of *him:* it is to be aware of each physical object as also-of-interest-to-him, and thus, as it were, to duplicate the awareness of the physical world.

Unless this duplicate awareness were a welcome mental fact, sociability could not exist; but it implies a change in the balance of other instincts. For the coknower and codesirer of one's objects of desire is a potential rival. Gregarious animals are bound to be in

one another's way, especially when grass is short and water low: if they avoid conflict, it is not alone because their food is spread with seductive breadth over the earth, but also because the possessive impulses are relatively mild. The sociable tendency must bring with it a modification of all the instincts that deal with physical things; it is not a separable instinct, but an altered balance of the entire instinctive equipment.

149. And further, sociability as we find it among men is not a single quality, which like a chemical property can always be counted on. It is highly variable, and whatever varies is presumably composite.

Individuals vary in their companionableness and so also do races. The troglodytes, whose sociability was reputed to have become a negative quantity, have not survived; but whether or not those notorious cave-dwellers had all the anti-social traits depicted by Strabo and Diodorus, the troglodytic tendency is certainly not a myth.

Nor is the force of the social instinct constant in a given individual. It has its rhythm, daily and seasonal. The desire for companionship alternates with a desire to be alone. The interest in mingling with crowds is occasional at best, and has to yield to the more intimate give and take of small groups of familiars.

We shall attempt to distinguish the ingredients of this evidently composite impulse, and also various stages of its development.

150. In human sociability there is a rudiment of simple animal *gregariousness,* the instinct of the herd.

Gregariousness shows the characters of a true instinct: a mechanical and unthinking response to a

stimulus. The stimulus is the presence of one's kind, or signs thereof—Friday's footprint, a camp fire. The response, an impulse to associate oneself with the group, we seldom feel with any great clarity, both because we are habitually overfed with the stimulus, and because the response itself is vestigial in us; it seems present in some of the vaguer undercurrents of attraction to crowds, a certain dull joy in the loss of personal saliency on becoming the atom in a mass.

This impulse is naturally as careless of the individuals who make up the crowd as of oneself; their personality also it prefers to ignore. Hence it is devoid of the altruism we associate with the idea of sociability; it has in it no care for the others; it is free from sympathy, friendliness, or inclination to help. It is egoistic, in spite of the lost hold of the personal self; for its satisfaction is akin to that of the impulse of concealment and safety,—the crowd hides one and at the same time lends a massive power, and if any suffer, the outposts suffer first.

Gregariousness is thus entangled with rudimentary fears that echo about in our craven sub-regions, and roam abroad in dreams. It is like the 'geotropism' of crickets and beetles, restless without a solid at their backs. It is like the impulse of Galton's Damara oxen, made tense by separation from the herd, and plunging upon release into the midst of their fellows to rub flanks on all sides and be once more at home, turning a mass front to a world full of unknown menace, trusting to others to do and see what one cannot do and see for oneself.

Allowing what we will for the mechanical factor of tropism in all this, we cannot fail to note that just where this behavior is most mechanical, it most resem-

bles an intuitive calculation. The raindrop rounds itself under a surface tension which seeks the minimum surface for the given mass. So crowds in hostile surroundings, like scabs among strikers, tend to a round outline. The sense of exposure from whatever cause drives to the interior by an impulse rather unrecognized than irrational: the dread of sleeping in a house of empty rooms, or of summering on the Atlantic seaboard when the Spanish fleet is abroad, the agoraphobia which avoids being out in the open, are so many outcroppings of a subtle reckoner in us, governed by fear rather than by affection, who adds to the momentum of our gregariousness, if he does not constitute it.

Gregariousness, as we should expect of an instinctive rudiment, tends to be useful to its possessor. But it is not always or solely a function of organic fear. It has overtones of disinterested satisfaction as it touches imagination. In the crowd, one merges in a sea of life, charged with a sense of confidence, of the self-sufficiency of life for life's business, full of the promise of endless productivity, aware of the right of the genus to enjoy that semi-physical self-consciousness which the swarm begets.

151. But gregariousness is a mere undertone in human sociability. It acts like the spark that starts the motor; and in this capacity it is fortunately low enough set to catch the mind in its weaker, more idle, more servile, more craven and relaxed moods, and throw it into the current of something more distinctively human.

Human sociability is not primarily mechanical but mental. Its function is not to supply safety or release of personal tension, but to keep intact the mind itself,

to maintain sanity. Its nature is best seen in the results of violent starvation of the instinct. Solitary confinement is a type of punishment which almost any city-dweller would welcome for a limited time; but in incredibly brief time it becomes a torment, and the destruction of mental equilibrium sets in. Voluntary hermitdom is not immune, though men who choose solitude are commonly persons with unusual resources for inner conversation. Sheep-breeders and herders in the Sierras, separated from other men for long periods at a time, tend to become queer. Facts of this sort imply that the need for society is a need for some mental enzyme or salt, without which this robust and seemingly self-sufficient thinking-apparatus falls mysteriously out of order.

The amount of human intercourse necessary to maintain sanity is apparently not great—again like the need of salt—and diminishes with maturity. It is the occasional meeting, the trying of judgment on judgment, the 'sharpening of the face' that is needed. In pioneering conditions such sporadic meetings become events, and the craving for what they supply accounts in part for the spirit of freemasonry that still lingers in parts of the West, the prompt fraternity, the absence of concern for names, statuses, or personal histories, the rapid personal trying of character that goes on in the exchange, not of opinions in the abstract, but of comment on the actual situation with its luck and omen. It is enough that notes are compared, a specimen of human nature surveyed and assessed, one's power of judging men as well as things confirmed to that extent. It is the genus humanity with which one needs to confer occasionally. What is the nature of this mental ingredient of human sociability?

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152. Most obviously, perhaps, association quickens the rate of mental action, and extends its scope; and the presumption is that we depend on social intercourse for the normal *rate and range of our flow of ideas*. What this means may be seen by noting what happens when, by the approach of another person, a mental transition is made from solitude to companionship.

This transition requires a mental effort, seldom noticed because it is both natural and habitual. The train of thought in each mind is forthwith paralleled by a new train purporting to represent what the other is thinking. The immediate objects, visible and audible, are tied to two observers. Each sees the other's seeing; each imagines the other's state of attention and emotion; each begins before any words are spoken to read a thousand signs of the other's conscious contents in posture, gesture, facial change, occupation. The mental strand of each is not only doubled, but passes from double to multiple as each mind begins to reflect what the other mind mirrors of itself.

In thus arousing himself to interests and outlooks which are primarily the interests and outlooks of the other, each is, for the nonce, extending his mental range. And if the other is one to whom he habitually reports what has happened since their last meeting, every object of experience will be thought of in terms of this wider area of awareness. And memory will be developed also; for one remembers more surely whatever is the subject-matter of prospective talk.

Still more marked is the increase of mental rate. For the presence of the other brings a continuous demand

for response, and so for a mobilization of all resources, never ready enough, if afterthoughts are to be believed. The human neighbor is not so much a stimulus as a magazine of stimuli, capable of touching the springs of all possible emotions and instincts.

The actual rate of mental action is not exactly proportionate to the amount of speaking done, for there are silent and sociable persons who find expression in various other arts. And the passive acceleration of mental rate involved in listening may be as great as that involved in taking the word. But generally speaking, conversation is the form which social mental activity takes; and defectiveness in speech indicates deficiency in social instinct. Hence the extravagant welcome which the infant's first essays in vocal speech receive, an era of encouragement usually so successful as to give place to an era of defence. But the proffering of speech remains an enterprise and a risk; new faces inhibit the speech effort, a mass of them may produce fear and paralysis; the shock of hearing strange language, or some incisive criticism of one's own, may leave a durable bent of diffidence in speech. And by just so much the individual remains solitary amid his kind, and tends to a sub-normal rate of mental activity.

The demand on alertness as the number of personal strands multiply and compete in speed reaches a limit for any group. But it seems to be capable of pushing farther in successive generations, especially of the city-bred, until the slower wit of the dweller in comparative solitude may appear a refreshingly different mental variety of the species. Increase in number of impressions per minute, and in the speed of this incredibly complex and silent play of mental shuttles,

the pitiless bombardment of attention which is pursued in denser societies both incidentally and deliberately by aid of the brutal art of the advertiser, bring about a protective callousness and insulation, reversing the normal effect of association on the mind. But the normal effect is evident; and without the effort toward wider range and nimbler rate which society calls forth, the mind must lose its tonus and condition.

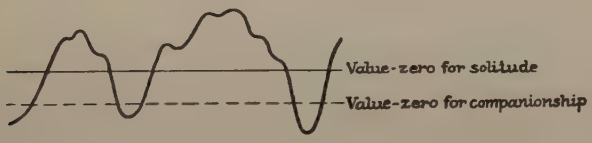
153. In the second place, the *quality* of experience is different, as between solitude and companionship. The 'colours of good and evil' are distorted by lack of society.

The knowledge of other minds is some function of the objects with which those minds are occupied:—there could be no knowledge of a mind devoid of objects. Likewise, the enjoyment of other minds is some function of the enjoyment of objects: there could be no attraction to minds devoid of interests in things external to them, common to both. But this dependence is reciprocal: the enjoyment of things is some function of the coenjoyment of the things by others. We cannot say that nothing holds its value in solitude; for there are some types of enjoyment, notably sense-pleasure, which seem to depend solely on the relation between the individual organism and its sense-stimulus. But we can say that even sense-enjoyment is qualitatively different as the social situation varies. A dinner, solely on its culinary side, is worth more in company than in solitude: the human race has fallen into the habit of making meal time a social occasion, not solely for convenience, nor yet because two enjoyments are better than one, but also because the enjoyment of food is enhanced by the social context. This is

true in more marked degree of non-sensuous enjoyment. And the inference from all this is the following proposition:

The attraction toward association is inseparably a tendency toward a higher value level for all objects of experience.

This rise of level applies to negative as well as to positive values. The unpleasant experience becomes less unpleasant; the mixed or neutral experiences become more definitely pleasurable. The presence of an agreeable companion may make the difference between a chore that is a drudgery and a chore that has some element of satisfaction in it; there are men who work well when paired with a comrade, but who can't keep going when alone. The facts are sufficiently notorious to have become a proverb in every tongue. To fit them



for the scientific taste, they may be expressed *more geometrico* as follows: Let the sinuous line express an imaginary sequence of up's and down's of value-experience over some finite interval of time, as a day; and let the straight horizontal line represent the level of indifference, distances above the line indicating the degree of agreeableness and distances below the line the degree of disagreeableness of the experience. The effect of companionship is as if the base-line were lowered, and all values changed in the positive direction.

154. The theory that the social attraction is insep-

arably an attraction to the heightened value-level of experience is confirmed by the fact that special appreciations produce special societies, in which the comradeship is not limited to the professional interests, but becomes a genuine social bond. Where the lovers of art create their Quartier Latin, the devotees of learning their colleges, the cultivators of sport and amusement their meets and resorts, it is only a blind observer who can see in this congregating tendency only the economic convenience (which is great), or the external accord of those who independently value the same objects in the same way. The very value of those objects to the valuers is enhanced by their assembly; it can only reach its normal fulness and heat when the worshipers pursue their worship with one accord in one place.

For be it remembered that the value of most nonsensuous objects is a function of belief. An artist must believe in the value of art; and this value is open to permanent skepticism on the part of the work-a-day world. In their presence he has a fight to maintain his belief in himself, and in the thing he judges worth his devotion. Even the divisions and rivalries of artists and art schools assume that the worth of art itself is beyond dispute, else the special brand could not become a matter of so large importance. The value of religion apart from the schools of religion loses its luster and certitude; and even learning is said to pale in importance as one leaves the atmosphere dubbed academic by its detractors. In the professional circle, the basic doubt reaches the mind only as a distant whisper, and in the judgment of fellow specialists one is rendered independent of the judgment of the uninitiated, whom one pities rather than fears.

155. This heightening of value level is the fundamental fact in social attraction. It is not, however, independent of the increased rate and range of ideas first mentioned. For as all objects can lose color in darkness, so all can lose value in states of mental lethargy. Further, the subjective worth of any object depends on the mental capital with which it is apprehended. Valuing and thinking are not two wholly disparate worlds, and those who attempt to keep them apart forego the possibility of understanding either.

If, for example, we refer value to feeling, and feeling to the 'subconscious,' insight vanishes into outer darkness. But if we recognize in the 'subconscious' a cumulative result of experience, a mass of ideas which I no longer think *of* but which I persistently think *with,* the entire background of attitude and character which life has built up within me, the concern of such a subconsciousness with feeling begins to have some significance. For presented objects would variously fit into settled convictions, variously threaten the stability of the submerged mass, variously offer confirmation to properties laid away there tentatively, leaving a filament of uneasiness and hope connecting them with the world of conscious experience. Feeling would be seen to contain the confirming or shaking effects of passing experience upon that subconscious mass. And whatever increases the conscious rate and range would, *ipso facto,* multiply the transactions of feeling, and heighten the worth of the living process.

Thus the ancient mystery, that companionship heightens pleasure and decreases pain, receives at least a partial explanation in these two mental laws: that the value-level of experience rises or falls with the activity of our ideas; and that association tends to

heighten that activity. And what we mean by social attraction is chiefly this heightening of value-level, subconsciously anticipated.

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156. Among the ideas which association thus affects, there is one group so constantly and deeply involved that it deserves to be considered by itself. That is the group of ideas about *one's self and one's work.* Association is, among other things, a continuous self-judgment and self-placing. What is a self?

A human self is a process of intercourse with reality: it is a continuous activity of judging things in the light of a system of standards, one's own standards. To be alive is to perceive; to perceive is to judge; to judge is to use standards. These standards are largely subconscious. In judging a stick to be crooked, I am using a standard of straightness. I am not ordinarily thinking about straightness, I am thinking about the stick: the standard is 'subconscious' in the sense that I am thinking with it, not of it. But it is *my* standard, and whoever criticises my standard criticises me: every self is closely identified with the magazine of standards with which it confronts experience.

Now association challenges every standard. To be in the presence of another is to be more or less defensively aware of differences of standard: each is testing the standards of the other, and thereby each is judging the other and being judged in turn. And this testing activity is indispensable. Apart from it, the mind loses conscious grasp of its own standards. So far as they are right, one needs the confirmation which comes from trying them on other minds. So far as they are wrong,

defects of vision and judgment tend in solitude to become habitual and to create a set of warped supporting beliefs: like diseases of the body they set up vicious circles from which one is not likely to free oneself, but which contact with a neighbor is almost certain to break.

Hence a large part of the business of social contact is the discovery of agreement and disagreement of standards. Where there is agreement, one takes it as circumstantial evidence—never final—that his own thought is valid; it fits another mind as well as his own, it is 'objective,' one's focus is right. Where there is divergence, one is led further, reviews the grounds of his own judgment, tries the strength of these grounds against his neighbor's position, and the result is likely to be a deflection toward truth of standard by reaction against both one's former position and that of the neighbor,—a sort of logical triangulation carried out in subconsciousness. But whether the result is a displacement of the neighbor's position, or of his own, or of neither, his hold on the sources of true judgment—which is one's sanity—is strengthened.

The presence of another mind whose judgment is consistently and easily true where mine is uncertain, and vice versa, is the occasion for the specific social attraction known as friendship. The intercourse of friends tends to the mutual rectification of standards, not by argument and criticism primarily, but by a subtle osmosis, in which spontaneous imitation, suggestion, etc., play a rôle. Each thus achieves the mental strength of the stronger; and the fundamental desire to be other and better than one is is gratified.

But it takes many individuals to give any one individual his standards, through induction from a thou-

sand agreements and disagreements; just as it takes many instances to exhibit the human type. And this is particularly the case with the element of *quantity* or measure in every standard, as distinct from its absolute quality. Standards are named by words suggesting absolute qualities, as honest, beautiful, clean; but what these mean must be learned through many approximations. A person in solitude could hardly judge from a definition what it is to be clean, since there is no such thing as absolute cleanliness. The same of industry, or intelligence, etc. Intelligence one may be supposed to desire absolutely, inasmuch as it is never possible to have too much of it; but one's conscious wish for it is evoked by social occasions which throw one's stupidity into painful relief, and the immediate aim becomes such a degree of intellect as may serve him creditably in his own group and task. As for cleanliness, human beings do not begin life with an ambition to be immaculate in person; they achieve, after much parental agony, a habit of being approximately as clean as their fellows. Then, during the years of adolescence an ideal of personal presentableness gets an independent vitality, and may attain fastidious proportions.

Most standards have a similar history: they begin by being comparative and end by finding an individual root and definition. But throughout life the image of the typical member of our group—the group average—remains as what we might call a subordinate ideal, giving body and bearing to the personal ideal which departs from it in one way or another. Certainly, without the presence of his fellows in the first stage of the standard-forming process, the human being would find himself at a loss,—not that the ideal would never

grow in him, for he and his ideal are inseparable,—but that he would be torn between the intimations of an impossible perfection which every standard proposes and the level of no-effort which he would feel to be brutish. Many a reticent soul passes through a moral ordeal during this standard-waking time of adolescence, until some hint that he belongs to the type, and must allow the common lot and the common practice to give him—not his ideal—but a bench-mark for self-estimation.

157. But why not say that society gives the ideal also? Is the self anything at all apart from its group? It is sometimes held that individuality itself is a product of society, and with it self-consciousness and the whole array of standards. This proposition is critical for the whole basis of political philosophy. It is a statement more easily made than proved; it is chiefly supported by showing how much society contributes to self-consciousness, and allowing that part to do duty for the whole. I find the position wholly untenable. We depend on society for *self-measurement,* not for self-consciousness, not for the raw material of our ideals, certainly not for selfhood.

Are the standards of judgment 'social'? i.e., are they first a social property, and mine only by importation? The judgment of another is always a help; the common judgment and the judgment of experts is always a criterion, sometimes an authority. But none of these judgments ever makes or displaces my own except with my consent. By the conception of a judgment, it must be my own or else it is not a judgment: one who merely repeats or adopts is so far not a mind.

Is conscience, or the self-estimation which society so vigorously promotes, a social product? No. Self-judgment is a form of judgment, and the same reasoning applies to it. Unless conscience is my own, it is not conscience. I must see right and wrong for myself quite as I must see geometry for myself. I must think myself *sub specie humanitatis;* and what *humanitas* is, I must find inductively. But I cannot commit the realistic fallacy of turning my fact, my genus, into an ideal; what humanity is remains subject to my criticism. By its clashes and cancellations of interest, society aids me in developing an internal 'disinterested spectator,' an impartial judge who still has the warmth of concrete life in him. But this judge is no passive resultant of what I imbibe from my social context: my activity has given him what consistency of principle he has. In the end, right and wrong are my conceptions, not society's; otherwise moral initiative would be impossible.

Is self-consciousness due to society? My judgment is rather in defiance of the current trend in psychology: I believe that self-consciousness is present from the beginning of selfhood. Certainly, it is sharpened and invigorated by all the comments made by neighbors and critics; without them we should hardly know, in terms of concepts, what manner of men we are; but no epithet could take hold and find a meaning for any individual unless he were first a self-conscious being. We can argue very little from the language-habits of infants, who reach only by slow and painful journeys through the third person to the use of the first person, I. Language-habits are necessarily imitative, and must be read, not in terms of dictionary meanings, but of the meanings which the user is trying to ex-

press,—a matter upon which behavioristic evidence is of little value. The essential thing is that when a child gains the use of any symbol which indicates his own person, he already has a meaning into which that symbol fits. Self-consciousness may be defined by outer aid; it cannot be imported. The measurement of self presupposes the intuition of self.

In sum, unless the self is something without society, it can be nothing with it. If, when I think, it is society that thinks in me, there is no thought, and no society.

158. But what is the self apart from society?

We have described the self as a process of intercourse with reality; it is therefore not a self-enclosed monad, existing apart from a world of objects. Its intercourse is an activity of judging; and the standards of judgment are, in the first place, that native (instinctive?) endowment whereby experience is felt to be pleasurable or painful, good or bad. Nothing can interpret pleasure for me but *my* pleasure, nor pain, but *my* pain. These experiences are aboriginal, and their standard-meanings underivable. An individual is a unique perception of value, at work in judging experience: this perception is, in a total sense of the word, his instinct.

But it is a part of this instinct that each one knows that this value-judgment is relevant to the value-judgments of others. It is destined to contribute to theirs, and to interact with theirs, until together a common and reasonable meaning is achieved. Hence my judgments are mine, but not for me alone; and particularly—to turn to the remaining point in our discussion —my *work* is mine, but not for me alone.

159. Among the changes in value level which society promotes, the *worth of one's work* has a special importance. Of the two groups of values with which every conscious being is concerned,—the values he enjoys and the values he creates (and enjoys also), the latter are by far the more vital to his happiness. Attraction, in mental terms, being the tendency toward regions of higher value-level, men will always be drawn to situations in which their enjoyments are heightened; but they will be drawn still more to situations in which the worth of their work is heightened. *Men will tend by the greatest force to that region where their productions have the highest worth in their own eyes.* And this means, for the most part, the region where they have the highest worth in the eyes of others.

I dare say no self-appreciation is so robust as to persist permanently in defiance of the best available other judgment. Montesquieu rose to a sublime height when he disregarded the unfavorable opinion of the two best judges in Europe, and printed *L'Esprit des Lois*. But Montesquieu's assurance of the worth of his performance was a deduction from premisses of worth which he had built up through years of lively intercourse with just such critics. It is possible for society to develop in its finest wits the value-premisses by which they are able to defy its own temporary and particular appreciation: more than this, the aim of all its education is to confirm individual selves in a competent independent judgment which is essentially their own. But since a man's work is the action of his judgment for society and upon society, any appeal from a present public in its behalf is an appeal to another and wiser public, not from every possible public.

In the normal order, one's enjoyment of his own

work is at the same time the enjoyment of others' enjoyment of that work; and this enjoyment has a dimension which varies with the numbers his work can reach. The great players produce the great game; but the great game as an occasion does its part in bringing out the great players. Society, we may say, gives a man's work its *dimension of* worth. Its capacity for an infinite shading of response gives him the best outlook for an accurate measure of its value.

It is no explicit calculation to this effect that enters into the 'instinct of sociability': it is rather the subconscious recognition that the works of man are for men. The active self turns by a tendency as simple as that of a needle to the pole toward that arena in which its deeds must meet their destiny of success or failure.

160. These are the chief ingredients of simple sociability: the mechanical vestiges of animal gregariousness; the hunger of the mind for a normal stimulus of ideas in rate and range, for a heightened worth in the fluctuating value of experience, and especially for a just measure of self in its standards and in its performance.

This is not a list of the values which society turns out to have; for the way of nature is not to lure the creature on with a full premonition of the feast—that is the way of reason—but rather by some simple prod to urge him into a situation from which the rest naturally follows. Once the person is caught in his social context, and held there by these mental hungers, he finds in it the environment in which various more special propensities can play,—his self-assertion and self-abasement, his curiosity, his reflectiveness. Man is so essentially a thinking being that wherever judg-

ing is liveliest and keenest, there, for him, life is intensest, and there he will want to be. The most general expression for the social longing is the desire to be "on the inside" of any human group, the obverse of the horror of being excluded, forgotten, or not needed. *Nihil humani* has its elemental side: wherever human nature exhibits itself, wherever a story is being worked out, wherever the stuff that is in man is being called out by circumstance, by adventure or love or war, there I want to be, there I think I belong, *nihil a me alienum puto.*

CHAPTER XVI

ANTI-SOCIAL SOCIABILITY

THERE is a measure of reason in comparing sociability with gravitation, and a measure of absurdity.

Each is a mode of attraction, tending to bring isolated individuals together; but the togetherness which satisfies the social instinct is no such unlimited nose-to-nose proximity as would alone satisfy gravity. Gravity never grows nor declines in strength; but sociability grows as the mind matures, and tends to decline with its further growth. Gravity is always directed toward its goal, and infallibly directed; but the social instinct may be hungry without knowing what is lacking, nor where the objects are that can meet its need. The existence of other persons in the world is not sufficient to set sociability on the scent; they must be discovered, and that they meet the need is also a discovery. Until companionship has once been well lost and regained, one does not so much as know that he has a social appetite.

Like gravity, sociability is quantitative and has its laws of increase and diminution. But gravity is always consistent in the direction of its pull, and never tends to become a negative quantity,—the tendency of bodies to approach increasing with the approach itself; whereas sociability has its reversals and apparent self-contradictions. It is liable to satiation, leading to a revulsion from companionship; in this respect it behaves

less like gravity than like the static electricity of the charged pith-ball, repelled from the charging electrode. And even in its positive working it brings about divisions in the process of bringing about union.

These anti-social aspects of the social instinct are so fundamental that we must give them separate attention.

162. Regarded as a quantity, the force of the social bond *increases with the number of associates.*

In its more primitive manifestations, the gregarious tendency and the simple needs of mental action, the social instinct finds the large group offering advantages over the smaller group, makes for the larger crowd or the larger city, and prides itself on the dimensions of tribes and families, of audiences, of populations, of parties, of memberships, of markets and fairs, and of every human 'aggregation.'

While sociability at this level increases with numbers, it obviously does not increase in proportion to the numbers. The social famine of Crusoe is appeased by the presence of a Friday: the group of two meets the most urgent needs, the addition of a third is no such momentous matter. And so with further numbers; each addition gives, in general, a slightly smaller increase of satisfaction, the returns diminish asymptotically. The group of three offers the most important possibilities of social structure: it permits each of the three to remain outside the difficulties of the other two and act as arbiter or interpreter, thus changing the unstable or 'dangerous' association of two into a group of high relative stability.[1] But each further member does add something to the potential stock of men-

[1] Royce, J., *War and Insurance*, ch. iii.

tality,[2] as well as to the physical resource; and each member of the group shares vicariously in this enhancement of the mental horizon. Thus, even on the mental side, numbers are of permanent interest to the social animal.

163. If this principle operated alone, there would be no limit to the size of social groups except the limit of possible communication. As long as man's social exchange is borne to him through the media of eyes and ears, the limits of the group that can signify anything to him are set by the limits of these organs. But imagination is always a factor in human intercourse, and while the overseeable multitude determined the actual limit of early coöperative units in work and war, the "multitude which no man can number" became an ideal entity, and helped to beget those devices by which the absent are tied to the absent in effective intercourse. Temporary absences had always acted to make the social bond a thinkable rather than perceptible fact; for the hunters or herders and the housekeepers were thrown beyond call in the course of the day's or season's work: thus the division of labor taught the reality of the invisible comrade. And expanding radii of swift communication have made this comradeship with the unseen habitual, until coöperation and sympathy are possible, not alone within multitudes who never meet, but within vast nations whose numbers can be named but not imagined.

Thus man's social aggregates tend to expand. And when numbers cease to have more than a formal meaning, they still tend to expand in order to include per-

[2] The principle of this type of addition is like that of logical classes, namely, $a + b = ab + a\bar{b} + \bar{a}b$.

sons and groups that were previously outside. So long as there remains an external group, sociability is not at peace: there can be no final rest until all things that can converse with each other are drawn into the web of communication. Not stopping with the human inhabitants of the earth, men seek to fathom the animal mind, to explore the planets for possible response. For man becomes the human being at the moment when he grasps, and is grasped by, the idea of "the whole": when each conquest calls to his mind the question, What remains? And the imperious sense of the need of including any possible isolated fragment in the vast conversation of the cosmos will impel him forward in his social expansion until, of a universe which may have its plural colonies of intelligences, there shall be made a single web of experience in time, a truly universal history.

164. But we must distinguish between the exploring work of sociability and its group-making work. The exploring goes on without limit as occasion and the arts permit, scouting out the members of possible groups; but the actual group-making lags far behind. The typical working groups of mankind have always been relatively *small groups,* with a well-marked boundary leaving possible members outside. And this is true, not alone because the specific purposes of some of them, as armies, families, churches, imply a definite selection of members, but also because *the social instinct itself has an interest in limitation.*

For there is a second factor in the quantity of social value of any group to any member, which we have now to single out.

165. In discussing simple sociability, we were dealing with the indiscriminate attraction to the human mass, a region in which one man may be presumed as good as another. But if conversation moves beyond the simplest exchanges, one man is not as good as another. How much thought can pass between two persons depends on how much can be silently understood, whether because of fitness of temper and habit, or because of common language, experience, and training. In brief, how far you can go depends on where you must begin. Those who have much in common need waste less time in explanations; and if the attunement of dispositions is fine, the ideas of one may seem to be lifted by those of the other, and friends may be said to begin beyond where they are.

The value of any group to its member will therefore depend not alone upon its extent, but also upon the amount which he can presuppose in all his communications with it. Let us call this second factor of value, the *level of presupposition*. Or, if we wish to make use of a physical analogy, we may say that it varies with the conductivity of the group, understanding thereby the readiness with which the member's ideas can permeate the group and the readiness with which their ideas can reach an understanding in him.

Other things equal, then, a man will be drawn to that group in which the level of presupposition for him is highest. Agreement of outlook and temper, and length of common experience, are more important in this respect than agreement of language, which might appear a mere neutral medium for expressing both agreement and disagreement. But language as the magazine of common meanings is the formal repertoire of group-agreement with regard to the *coin* of ideas, and is the

greatest mechanical aid to establishing a high level of presupposition. Where the exchange of thought is lively, the feeling for language will be correspondingly keen. Among the French there are few more damaging comments than *"il ne peut pas causer."* And sympathy across barriers of language, while never prevented, is palpably impeded.

166. Assuming, then, that the value of a social group to its members (which let us call simply the value of sociability) will be a function of at least these two variables, its extent and the level of presupposition, the critical fact for the forming of social groups is this:—that *these two variables are in general inverse to each other;* the greater the numbers of a group, the lower its level of presupposition.

This again is no precise arithmetical relation; but the principle is evident. Conductivity will be at its height in the group of two, well-mated and well-seasoned,—for time increases the level of presupposition: it will be at its least, so far as human society is concerned, in the vague total called 'humanity.' While a common history, taken together with the forces of imitation and social heredity, so assimilates men to a common mental pattern that whole nations may acquire a high degree of this conductivity, yet it cannot compare with that of a group of friends.

The tendency of groups to increase is thus countered by the loss of worth through the decline of the level of presupposition. In groups whose conductivity has been aided by time, the addition of new members always threatens the value of the social bond. The late comer needs to have the story rehearsed from the beginning, while the momentum of the rest is suspended.

This subtraction may be compensated by the fact that the rehearsal renews the grasp of the previous members on their common heritage; so that the normal initiations of new members in families and states brings net gain: but in every case the new member must be 'assimilated,' and this process is *per se* a lowering of the level of presupposition.

And if the new member be of discordant type, it may happen that the addition of his single presence will so lower the level of presupposition that the group character is destroyed. Thus the intrusion of the alien has been the traditional signal for animosity, the natural effort of the social organism to eject what is destructive to its entity. And in general, wherever the addition of a new member or group of members to any given group would so diminish the conductivity of the whole as to outweigh the advantage derived from their contribution to its members, *a boundary will be formed.* The group will shut, and in becoming *selective* of its own, will at the same time become *exclusive* of the rest. Through the operation of its own laws sociability will develop an anti-social aspect.

167. With all the danger involved in expressing fluid facts in rigid symbols, this principle is of sufficient moment to be given the shape of a formula.

Symbolize the value of the social bond to its member by S, the level of presupposition by L, and the number in the group by N. Then we may say that S is a function of N and L:

$$S = f(N, L).$$

Now if we add to N a number of other members, say n, we change L by some amount, so that it becomes, let us say, L — x. And probably the value of S is changed,

becoming, let us say, S′. S′ may be greater than S; the increase in N may be more than enough to offset the decrease in L. But S′ may also be smaller than S. In that case, the group N will tend to refuse the addition to its numbers, drawing a boundary that will keep n out. That is, a boundary excluding n will be formed when

$$f(N + n, L - x) < f(N, L).$$

And since for all groups having any meaning to their members there is some number, N, such that f (N) is greater than f (N + 1), all social groups will tend to be finite.

168. These two dimensions of the social instinct have always acted simultaneously, the one tending to widen the sphere of group life, the other tending to narrow it. As a result, human societies have never had the aspect of the herd, the almost homogeneous and indefinitely extensible mass so common in animal collectivities, from the plain-blackening bison to the clouds of birds in migration or vast shoals of running fish. It is not with the brotherhood of man that human social life begins, nor yet with the crowd, but rather with a medley of comparatively small groups, loosely distinguished within a containing total, totemic or tribal, whose boundary begins where the tokens of understanding and affiliation stop.

Externally, it might seem that human society begins with the small group and builds the large one by degrees. For in early societies, the mental needs for expansion were soon satiated, while the obverse mental need for a high level of presupposition (taken together with the trait of rapid habit-forming) has made the containing group so far a necessity of mental life that

no substitution is possible, the boundaries of easy intercourse become at the same time the boundaries of sympathy and of obligation, clannishness is the universal character, and nostalgia in separation from one's own a disease not merely painful, but often fatal. Those mental traits which mark the human being are the very ones which shut him off from an indiscriminate humanity.

But it would be more accurate to say that *the large group and the small group have always coexisted;* some group, which as containing the rest, more nearly satisfies the expansive aspect of sociability, and various smaller groups, occupational, cultural, or domestic, whose concreter intimacy marks the height attained at that time by the level of presupposition. And the course of evolution has been quite as much in the direction of developing the small group as the large group. For the smaller groups of primitive society made little show of that specialization of sympathy which marks what we call "private life," carrying the level of presupposition in the narrower circles, like so many spires, high above the level of the "public life."

Even as late as the age of Pericles, it is clear that private life is but partially developed. The intenser interests of the men are in the open, in the streets of the city. Not only the political and religious interests, but also education, friendship, and even love, are matters of common note; Socrates seems hardly to have resented the gibes of his friends concerning Xantippe. "Frankness" was the rule of life and speech, because "reticence" was in its infancy. The small group indeed existed, and the highly exclusive society of two lovers has no doubt always been indulged in its apartness; but the development of the small group required,

not alone a growth of the craving for individual "understanding," but also an achievement of tolerance on the part of the larger group. For while the large group and the small group have always coexisted, *they have always been at odds;* the small group has always been felt as disruptive in its tendency, and dangerous to the vitality of the containing group.

169. The record of this conflict is visible in the words describing the small groups, most of which have a coloring of reproach: clique, cabal, faction, sect, clan, caste, set, party, camarilla,—the word club is on the down grade! The church fears its private orders. The state suspects its private associations, which Hobbes declares are "like worms within the entrails," and but reluctantly concedes their right to exist and multiply.[3] The unity of college life is menaced by the growth of intense fraternity allegiance. Perhaps the family itself is not wholly exempt from criticism, as detracting from the solidarity of community life. Letourneau has cogently pointed out the apparent incompatibility in animal societies between a strongly marked domesticity and a cohesive larger group. The unsocial carnivoræ are commonly strong in the family attachments; among the birds, the mating season is unsocial, whereas the social season of migration, etc., dissolves the family life; among the ruminants, the rutting time tends to destroy the solidarity of the herd. Perhaps, then, in human societies likewise, a well-marked family life may have been an obstacle in the way of developing a cohesive community. For if many

[3] As late as 1791, England attempted to suppress all private associations, fearing them as channels of revolutionary influence. Cf. H. J. Laski, *Authority in the Modern State*, p. 84.

families are to live together and share without turmoil a life directed to common ends, either the impulsiveness of sex-aggression must be restrained or the exclusiveness of the family relationship must be relaxed. So far as we can trace the story of primitive political beginnnings, the latter alternative seems to have been tried at least as often as the former: the family has been weakened that the state might grow. And to the radical Plato, it seemed evident that the exclusions of mine-and-thine involved in family and property must be broken down if the Republic were to attain its due vigor.

Clearly, it has not been easy for men to find the way of satisfying at once both interests of the social instinct, one making for maximal extent, the other for maximal level of presupposition, by maintaining both large and small groups simultaneously. What is the cause of this difficulty?

170. Primarily, as in Plato's mind, it is simply this, that the small group, being selective, is exclusive; and so far, an anti-social manifestation of sociability. "Friends should have all things in common"; fellow citizens should be friends; whereas in the small group certain of the professing friends deliberately shut out the rest and say, "This good you shall not share."

But true as it is that exclusion, even the most justified, never quite loses its sting (for those who have some things in common tend to think that they should be admited to a share in all), Plato's principle is hardly sufficient to account for the antagonism we have noticed. I exclude you from my property; but you in turn exclude me from yours: and as fellow citizens, agreeing to that mutual exclusion, we have now in

common the new and important experience of private ownership. Mutual exclusion would thus under usual circumstances give members of the larger group *more in common* than they would otherwise have. It is not the mere fact of exclusion, therefore, which causes the difficulty.

It is rather due to the psychological tendency whereby the smaller group tends to become mentally self-sufficient, and thus *to absorb all of its members' capacities for loyalty.* Since the small group tends to grow to the point of diminishing social return, indicated by our formula, it does afford some degree of satisfaction for the impulse to expand. No group can be more than a representative, by samples, of the whole of possible or actual mentality; why should not a comparatively small group serve as well for such a symbol? If it is true, as we were saying, that those who have some things in common tend to feel that they should have other things in common and eventually all things, it is none the less true that those who draw a line in their sharing of some things tend to draw the same line for all things. Man is forever on the lookout for his completer mind; but he forever hopes to find that completer mind embodied in some group free from the cumbersome dimensions and responsibilities of the whole. It is this which makes him a hero-worshiper and a lover; it is this also which makes him a partisan and a sectarian.

The small group has a perpetual advantage over the large group in exciting loyalty; for with its higher conductivity it sets free a deeper stratum of personal life, the member finds more of himself called into play, more especially of his imaginative, dream-building self, while the obstacles to realizing these dreams suf-

fer a perspective illusion of seeming less arduous in that sympathetic circle than elsewhere. Thus when the adolescent boy finds himself a member of his gang, his sense of unlimited power gains a credence it lacks in colder circles, and the fierce loyalties that begin to blaze in him make the remoter loyalties seem pale. Small rings everywhere feel the touch of an outside world as an irrelevance and an intrusion; their wisdom, their standards, having mutual endorsement, are sufficient. Group-egoism, enjoying this inner confirmation which personal egoism lacks, is capable of even sublimer growth. Though the family is no longer felt as hostile to the state, it still remains true that the newly-weds are conventionally abandoned for a time by that larger society which has become as nothing to them. So far as the small group can seem to its members a symbol of the whole, it will substitute itself for other groups and absorb the loyalty of its members.

171. This absorption of loyalty would constitute a problem for the large group, even if the standards of the small group remained the same as its own. But an additional source of friction arises in the fact that the *standards of the small group tend to deviate.*

The higher level of mutual understanding implies a greater freedom of expression, a natural release of formal observances which, in the public order, serve as a surrogate for understanding—convention being an artificial method of heightening the level of presupposition. Within the smaller group the sense of liberation that follows the relaxing of convention easily develops into a critical sense of difference from the larger group and a conscious cult of separate ideals. Society, in respect to its mode of imposing standards,

is somewhat like a group of travelers who by chance find themselves together in the ascent of a mountain, no one of whom wishes to be first in confessing his fatigue, so that the pace set by an inexperienced climber, who, now lagging, prefers to remain anonymous, acts as a punishment of all by all. When the candor of someone breaks the spell, and all halt with gratitude to the hero who has first acknowledged his weakness, the party now resembles the small group. For here mutual confession is the rule, not the exception; and the comrades become accomplices in whatever degree of informality, relaxation, indulgence, or vice marks their easier relation to the public ideal. The "moral shirt-sleeves" and the "confessional cigar" are so much a part of the spirit of the small group, that not rarely members are drawn into the profession of vices to which they can make no valid claim in order not to mar the general atmosphere of human fallibility genially vaunting itself. In proportion as the sense of deviation is strong, a qualification for good standing in the small group will be an ability to orient oneself comfortably in this atmosphere: as when the Ozark mountaineers enquire regarding any new man or visitor, "Is he all right?" i.e., will he take part in, or wink at, the unstatutory practices which make part of the *mores* of the mountains?

It is this element of *accompliceship,* not wholly absent in possibility from the family itself, that the larger society senses and fears. Wherever there is a cult of secrecy there will be an answering cult of suspicion; and wherever there is deviation of standard there will be privacy, not only in the sense of ownership, but in the more ominous sense of mental alienation. The large group is not wrong in feeling that the

small group is a breeder of disaffection, as well as an absorber of loyalty, taking human beings as in the average they are, with a bent toward a brand of liberty that verges upon moral ease.

172. The small group could come to its full development, under these circumstances, only as the large group achieved what we spoke of as a measure of tolerance. The course of social experience has made clear that the tendency to deviate is not ordinarily fatal to solidarity precisely because it is subjective, its sense of sufficiency is illusory, and the material exigencies which return the members of small groups to the larger association, whether for their defence or for their daily bread, will eventually make a part also of their private thinking and dreaming. Plato's Republic will mature into Plato's Laws.

But what has happened is not alone that the small group is tolerated: it is sanctioned; it is encouraged. It is cherished as something which not only tends to rectify its own vices, but which *the large group needs.* What is the meaning of this change of view?

So far as the privacy of family life is concerned, Aristotle discerned the psychological reply to Plato's fear. The small groups are various and interpenetrating in membership: no one of them stands for the whole of any member's mental life. The containing group becomes the natural symbol for that totality, and will receive credit for all the intensity of feeling which the family can foster. The bond to the larger group will be measured by the strength of its strongest inner tie. It is only in a verbal illusion that the whole can be regarded as *another* group than its parts;

the larger group includes the lesser, and their attachments are *ipso facto* its own.

But this fact, while it meets the difficulty of exclusiveness, does not find the essential recommendation of the small group. That recommendation is to be found in its *fertility.*

173. The small group, just because it is a place of mental deviation, is normally a *breeding-place for what is new in substance and in idea;* and amid what is new, there is a residuum which is both new and better.

Just as the family is fertile in the human material necessary to renew the community life, so that no larger group could disperse it except at peril of its own existence; so, in terms of ideas, the small group produces both for itself and for the larger group. In eliciting what is subjective, mystical, and free, it fulfills the necessary conditions for mental creativity, the most important element in public vitality and progress.

In so doing it not alone contributes to the cohesion of the larger group, but in a measure transforms the nature of the members' attachment to it. We must consider more closely the nature of that fertility and the consequent change in the larger group.

CHAPTER XVII

CONCRETE SOCIABILITY

IT is not with the conscious intention of creating anything that human beings find themselves in the more intimate associations. They follow the lead of a semi-instinctive personal liking. But this personal liking fulfills, as it were incidentally, the conditions for the birth of thought. What these conditions are we know very dimly: the laws of creativity, organic or mental, will be the last secrets uncovered by science. That affection in all its degrees is creative we know as an empirical fact; its method remains obscure. But we may at least take a step toward understanding it.

175. Personal liking is a form of interest. Interest in a person implies attending to that person, i.e., being mentally occupied with him, finding a certain pleasure in recalling his traits and actions; and it implies an effort to 'approach,'—by which metaphor we mean, seeking to be occupied with his more essential rather than his superficial self. What is this essential self, which is the goal of 'approach'?

One's first perception of a person is through the self of his overt behavior. One knows the man in terms of his activities, words, effects: when he moves, the social web shivers, and these movings and shiverings taken together are the man,—the self of behavioristic psychology. But an awakened interest, admiring this phenomenal selfhood, immediately abandons it and drives

inward to find the 'real' self, as if the man had an inner substance or soul. It seeks, no doubt, a wider area of external togetherness through mutual programs of amusement and work: but these simply broaden the basis of induction,—what one seeks is the personal center from which these phenomena come.

Interest, we say, makes for this assumed center of being: it fails to reach it; it reaches no goal at all. Its only findings are products by the way, other manifestations of the essence that remains hidden; but something nearer that essence than the visible movings and shiverings, namely, ideas, thoughts, motives, principles. Through these ideas one better understands the person's doings, skills, weaknesses, achievements; to discover them constitutes progress in acquaintance. But they are still expressions of the self, rather than its kernel. The self is the thinker, not the thought, the source of ideas, not the output.

What would this source be, if one could reach it? The self is surely no static essence; it is a living process animated by a central desire, a will that is striving to give objective form, in all manner of action, to what is sensed as a unique subjective impulse or feeling. To 'know' the person is to feel that striving with him; and seeing what things and thoughts emerge from it, to guess the potential deeds and thoughts that have not emerged. It is to use the advantage of being another person to anticipate that process of expression: it is to aid that will to its deliverance. The process of approach is guided by an intuition of the other's central striving, and this intuition becomes more adequate; but it never truly 'coincides' with that being in its wholeness, the vision of value remains *his* vision, the will itself remains undiscerned. Its achievement is to

bring to light more general and governing motives and ideas, the principles of the man, not his substance.

Hence, in seeking the individual, one finds his principles: in grasping at the unique, one seizes the universal. And as no such product can exhaust what that individual means, the process tends to renew itself as long as interest in that individual lasts; and so to yield an inexhaustible series of 'ideas.' Successful intimacy tends to deepen itself, as if the meaning of its instinct were to discover the most central region of self; and so the most intimate becomes the most universal. Love does not know until it sees its children how public an end its impulse has served.

Among friends the topics of conversation have only a casual importance. They are so many pretexts for being occupied with one another's quality. And the harboring of that quality not only brings *it* into conceptual expression, but with its irritant of inveigling otherness, favors the conception of ideas in him who harbors it.

This mutual midwifery of thought is so far the normal work of small groups that when they do not set free and heighten this spontaneous fertility, they embarrass; and the members seek to escape the barren and tedious proximity in the undemanding currents of the wider group.

There is, indeed, an alternative relief from the embarrassment of thought-emptiness, namely, the accompliceship in mutual indulgences above spoken of. Conscious existence can always be taken as an opportunity for private enjoyment; and the small group, developing subjectivity and sharpening consciousness, may invite the individual to modify his solipsistic egoism of enjoyment in the shared and relative egoism of

the private group. But the greatest service can be had only at the price of the greatest danger; and society, for the fertility of the few, can sustain the barrenness and the accompliceship of the many.

176. Both through the freedom of deviation which they encourage, then, and through a mental cross-fertilization, the small group becomes the breeding place of new ideas. And, further, it fosters these undeveloped conceptions during their infancy. For the new idea is seldom fitted at birth for a public career; it needs to win its substance and its spurs, through being tossed about in the tempered ruthlessness of friendly give-and-take. Uttered first as the extravagant fancy, which only the favoring atmosphere of group-conceit renders one shameless enough to set forth in words, the fledgling notion is brought, if not to sobriety at least to some consciousness of its viable sense, and is fitted for contest with the public mind.

177. For to the public mind it must eventually go. The service of the small group to the large depends on the circumstance that the products of the small group *cannot stay at home.* An idea is, in the nature of the case, every man's property; and it is precisely here that the incompleteness of the small group makes itself felt. For it cannot be sure of its own mental progeny until they have shown themselves able to hold their own in the unsympathetic wider world. My friends' approval of my theory or my poem is no complete guarantee of its value; nor, for that matter, is the immediate response of the public a final judgment: but the public, at least, is free from the tendency of the

biassed personal circle to coddle the unfit creation for the author's sake. So the idea knows, as it were, that its destiny is to make its way there, to become the property of the larger group.

178. And while the large group supplies the small group a continuous test of the value of its offspring, the products of the small group gradually *alter the consistency of the large.* The mortality of infant ideas is fortunately high. But some of them survive, and becoming part of the common stock of the larger group heighten by so much its level of presupposition and the force of its common bond. Whatever wealth of tradition the mental life of the large group may have is due chiefly to the fertility of its included associations. To its members it has ceased to be mankind-at-large; it has selected its own from the output of its self-selected guilds, and the accumulated sum of these has lent it a distinctive quasi-personal flavor: its members belong to it by a peculiar bond in which the qualities of the large group and the small group mingle.

Thus the small group, in its normal function, restores that cohesion which its anti-social character threatened to disrupt. It is only through the activity of small groups that the larger group can be so continuously enriched that it remains an object of desire to its members commensurate with their other attachments. Hence the instinct of sociability can reach its full satisfaction only in this complex relation of large and small groups. Human sociability is not simple sociability alone, nor yet anti-social sociability: it is what we might properly call *concrete sociability,* a type which includes and places the other two.

179. The history of thought bears out this view of the fertility of the small group. It is in the myths that a Moses or a Zarathustra speak authoritatively to the entire people from a lonely-gotten fullness. As we come into the region of record which enables imagination to restore the picture of racial thinking, we find the great teachers alternating their solitudes with conversations in a small circle of disciples. In the extraordinarily originative period of early Greek culture, small groups seem to have been the hot-beds of production. Burnett accepts the opinion of Diels that "Greek medicine originated with the guild of the Asklepiads, epic poetry was developed by the Homeridæ, the craft of sculpture was first the secret of the Daidalids"[1] and adds as his own opinion that science and philosophy were likewise developed from the first in "schools" rather than by the solitary researches of isolated men of genius.

All thought must be, in the first place, individual thought; and the symptom of pregnancy with new thought is commonly a desire for loneliness and dread of the crowd. The true instinct which apprises the gravid thinker that his ideas "would not be understood" (though for a reason not always clear to him—that they are not yet fit for the general understanding) may make him for a time the thoroughly unsocial being, with a bias toward anti-sociability. The sympathetic ear, in such a case, however disposed to join the thinker in his sense of alienation from his kind, is the emissary of the wider universe, turning the edge of the thinker's subjectivity and bending his mind again society-ward.

[1] Burnett, *Early Greek Philosophy*, p. 28.

180. Among the ideas which small groups develop, ideas regarding right and wrong are of especial importance. Not alone because of the ethical innovations which appear sporadically, but also because of the perpetual generation of the ethical commonplaces whereby the hold on old truth is kept new and living. For not only has every small group its distinctive idols, but by the nature of its close fraternity certain primary group-virtues and vices receive constant illustration and comment. Every boy's gang instructs itself in courage, fairness, and loyalty of its own pattern,—not indeed as theories, but as ideas at work, which have the same tendency to propagate their pattern as have ideas in doctrinal garb.[2] In every small group, character plays directly upon character, the effects of moral causes are quickly gathered, surely noted, digested into conversation and built into the traditions of the group. So long as the group survives its ethical crises, it serves as a laboratory for moral experiment; and its findings tend to permeate the wider circles into which its members disperse.

Wherever there is any third person, there (as we have noted) the longer thoughts are reënforced, subjectivity is restrained or harnessed to objective events, and the activity of sensing the feelings of others through its more subtle signs called into active exercise. But where the third person becomes a stable group of personalities, whose judgment carries the combined weight of numbers and of that personal power which, by controlling his 'standing,' deeply and persistently affects the satisfaction of the member in his contacts with the group, the effectiveness of this

[2] Prof. C. H. Cooley, in *Social Organization*, has admirably described this process.

elementary moral training is vastly enhanced. If we seek, with Professor E. A. Ross, for the "genesis of ethical elements" in a society,[3] we must give first place to the interactions of characters in its small groups.

181. At the same time, it is a source of *political ideas*. For the structure of every small group embodies certain democratic characters, in the equal status of its members, in the spontaneous and general discussion of group projects, and in the necessary sensitiveness of all leaders to the sentiments and changes of sentiment of the led. Even where, as in certain religious orders, the head has absolute authority supported by vows of absolute obedience, the intimate daily association of the head with the members of the order tends to render that autocratic structure substantially innocuous; since no such dictator could endure an existence in constant contact with a seriously disaffected membership. So, too, when a conquering garrison is established over a conquered population, its own inner relations, as a relatively small group under a common external stress, tend to a fraternal and equalitarian mould which may, in time, alter its relations to its hostile environment.[4]

We have, as E. A. Ross well says, a vast stock of spiritual assets not realized upon. We hesitate to introduce into our conduct the degree of unity, justice, benevolence that we are capable of. In the smaller groups we make our bolder moral ventures; we express our ideas of improvement, and the expression is half the work of organization. Hence the significance of Thoreau's remark that "all the abuses which are

[3] *Social Control*, chs. xxv, xxvi.

[4] Hobhouse, *Morals in Evolution*, p. 56.

the objects of reform are unconsciously amended in the intercourse of friends''; and of the kindred thought of De Toqueville that ''Man made the State, but the commune comes direct from the hand of God.''

182. Acknowledging these services of the fertile small groups to the great society, and especially its political precocity, it may be well to recur to and emphasize our proposition that the small group is never enough to satisfy the social instinct; that it requires the interaction of both large and small groups to give us a complete society. Not all the standards for the life of the large group can be obtained from the experience of the smaller: it has no complete clue to either moral or political wisdom.[5]

The small group by itself is mortal. Its tendency to self-sufficiency is hostile to its own life. So far as it holds toward the rest of the community an attitude of separatism, never untouched with disparagement, it harbors a principle which contradicts its inner liberality and corrupts it. The bond of its membership is personal, and its principles of structure need the support of warm personal interest; they need to be cured continually by the more abstract morale of impersonal relationships, and this cure the large group is continually furnishing from its unlimited open air of objectivity. This moral respiration is conducted largely by way of a rapid flux of membership, to which small groups are subject, an incessant birth-and-death process in its parts whose alternative is total death.

5 This is, of course, not the slightest ground for failing to learn from the structure and activity of small groups all that can throw light on political problems. This clue has been admirably followed by Miss Follett in her two recent works, *The New State*, and *Creative Experience*.

For without some such metabolism, the small group is like a ship's company too long together, and wearying of the sound of the familiar voices. It has the stuffiness and inescapableness of the village, the too-great rights of each upon each, the abolition of privacy in the pretended achievement of privacy, together with the deadly pressure toward similarity in beliefs and traits that are not necessary nor wholly true. As men drift to cities to escape the too-tense social demand, the intrusive curiosity, the firm and bigoted opinion, the comparative lack of personal liberty of the rural community, so every small group tends to dissolve through a growing provincialism and tyranny unless renewed by an influx from the larger group. The small group and the great society constitute together a living total, neither viable without the other.

183. "Society" itself is a group of indefinite outlines. It will have been observed by the reader that the terms "large group" and "small group" as we have used them are relative. The Athenian city-state is a large group with reference to many included associations, but a small group with reference to the Greek nation. It is only in comparatively early human organizations that one group can be found which especially deserves the title of "the society."

The large group in which all ideas are destined to lodge is not narrower than humanity itself. Science is not the science of the laboratory or of the college: it is not itself until it becomes the property of the universal community of scholars. So the art, the poetry, the religious insight, reached by the creative activity of individual genius, and matured in the groups of disciples and critics, must gain their final lodgment and estimate

in the consciousness of mankind. Taken together, they constitute the "civilization" characteristic of any epoch of world-history.

But before they become human property, they are received into an intermediate group, and are held as for a time the peculiar possession of *a people or nation.* Art is the heritage of mankind, wherever produced, and any destroyer of art destroys not the property of his enemy more than that of the race, and makes himself the enemy of the race. But all art, and even science, is held for a time as in a receiving vessel in the land of its origin, and is recognized as the art or science of Italy, of Russia, of America. As held in these receiving vessels, they constitute not a civilization but a *"culture."* They express the "genius of a people" before they contribute to the "spirit of the age."

The nation is the typical domain of concrete sociability. There the social instinct has the sweep sufficient for a complete satisfaction and pride. But it is not evident that the social instinct alone is capable of outlining the entity called the nation: it is a vessel rather made for it than by it. And as it is out of a nation that political life most readily springs, we shall have to look beyond sociability for the psychological foundations of the state.[6]

[6] Meantime we may remark that the view we have here set forth, of the mutual belonging of anti-social and concrete sociability, explains certain facts of social evolution which have been stated as empirical laws. (Ross, *Foundations of Sociology,* ch. iii.)

(1) *That social groups tend to pass from less to greater coherence.* This fact is regarded by Spencer as a consequence of increased division of labor and consequent interdependence; by Gumplowicz as the result of the absorption by stronger groups of weaker groups with whatever virtues the weaker may have possessed; by Tarde as a product of imita-

tion, whereby (as we would put it) the level of presupposition is heightened. These factors have been at work, also; but imitation is of no avail without initiation of new ideas, and the small group as the source of that initiation.

(2) *That social groups tend to pass from homogeneous to heterogeneous.* The increase in complexity is one of the best recognized facts of social history; but the inner diversity of a group, whether it be a diversity of production through division of labor and multiplication of wants or a diversity of the small-group life through multiplication of social interests, requires the answering ability of the containing group to 'integrate' while the differentiating advances. The integration takes place on the economic side through the fact that the market for the many foci of production is a market as wide as the large group itself: as Ross puts it, there remains a certain homogeneity of consumption. But it takes place on the social side through the fact that the fertility of the small group is a fertility for the large. And "the triumph of a national speech, religion, patriotism, music, costume, sport over old provincial and local diversities is unquestionably a more pregnant fact than is the specialization of employments."

CHAPTER XVIII

THE DISEASE OF THE CROWD

IT is one thing to say that human sociability needs the nation for its complete satisfaction. It is another thing to say that sociability creates the nation. These two things are confused by writers who rely on 'herd instinct' or the social impulse in any form to constitute the great society.

Instincts do not as a rule provide the objects that satisfy them. Hunger seeks food, fear seeks a place of safety; but they expect to find these objects, not to make them. It is therefore an anomaly in the theory of instinct that sociability should be credited with producing the group which satisfies it.

There is some reason, it is true, for regarding the social instinct as an exception. For what the social desire seeks is the social desire itself, in another person: when loneliness meets loneliness, the double emptiness may provide a double satisfaction. Thus the instinct, while it cannot create the other person, is the chief condition for creating the group. Mutual quest of companionship, as on the part of the small boys of a neighborhood, commonly brings about the desired object. Thus, so far as small groups are concerned,—and with the assumption that the human material is always available,—the social instinct is all but miraculously self-sufficient, making of its wish the substance of its fulfillment. There is such a thing, therefore, as an instinctively formed group.

But the great society cannot thus be brought into being: the nation is not an instinctively formed group. So far as we can observe the social impulse at work, it takes the indefinitely large community, as a sort of existent general swarm, for granted: it makes its various groupings within this given mass. The general swarm is the jousting place for a thousand sources of would-be leadership and authority, a thousand invitations for lending aid to an enterprise or credence to a cause. Sociability can constitute *crowds,* which act together temporarily and for special purposes: it cannot constitute a body of men ready to act together for many purposes and for all time.

185. Outside the specific small groups, the crowd is the typical product of the social instinct. Even then it seldom acts alone; but at the instance of some particular commotive impulse, some emotion brewing in individual heads which presses for the satisfaction of being shared.

Thus, into a state of repressed social strife, some irritating deed is cast: A seeks B to share his indignation; A and B find C, and a fighting mob begins to exist. Or, the great game is over; and from the spectators, an artificial crowd, the victors and their supporters make of themselves a spontaneous crowd of celebrants. At noon of November 7, 1918, upon the spreading in America of the first report of the Armistice, many an American city poured itself into the streets as a huge crowd. Wrath, elation, praise, curiosity, grief, directed to common concerns, need a voice and direction which private resources and judgment cannot achieve. The exceptional occasion deflects the mind from the route of its habits; and it may feel itself

being borne beyond the border of sanity unless its tentative reactions are confirmed by the impulses of like-venturing fellows. Crowds enhance the amplitude of emotion; an unwonted amplitude of emotion seeks its home in the crowd, and by heightening the social impulse may bring a crowd into being. In this sense, a crowd may be said to be a product of the social instinct.

And since there is no such thing as a human herd, the herd-instinct in man being vestigial,[1] the crowd is, *in posse,* the most extensive of the groups which the social instinct can be credited with forming. Crowds are usually transient social entities, voluminous, ill-defined, cloudy, shifting, varying in bulk and consistency from the idle group of gazers at a fire to the nebulous 'movements' in favor of this or that, and hovering like a sort of social weather in the mid-atmospheric region between the definite small groups and the great society.

186. The spontaneous crowd, being unorganized, affects its members through the most primitive organs of suggestion, imitation, and sympathy: hence it de-

[1] The crowd is a radically different form of grouping from the herd. To herding animals, the herd is all things at once. To men, the crowd is never more than a fraction of their social concern. The herd persists; the life of the crowd is passing. The crowd has an intelligent interest and purpose as the herd has not: it requires a human unit to form a crowd about a soap-box orator or on the occasion of a celebration.

The nearest approach to the herd among human groupings is found in such aimless migrations of refugees as accompanied the Russian famine in 1920, when families broke moorings and joined the general drift without knowing whether the region toward which they traveled were better able to sustain life than the one they were leaving. It is hard for a human being to invite into his consciousness so much ruminant passivity as even to imagine the browsing, planless flow of mentality, with crises of massive madness, that seems to characterize the collective life of a herd.

velops in them a peculiar balance of psychical qualities frequently studied as the "crowd mind."

These qualities tend to show themselves in all groupings governed primarily by an impersonal sense of common interest, therefore wherever class or party or racial feeling runs strong. They invade all the major stratifications of society; they achieve political importance. The Demos is sometimes treated as a huge crowd, and on occasion it may become one; but the crowd-mind is rather a problem for democracy, as for every state, than the democracy itself. A brief glance at its characteristics will aid to enforce the contrast between the mind of a nation and any structure which the social instinct alone can create.

187. The essence of the crowd-mind is the search of each for a supplement to his judgment and will in the judgment and will of others. Each hopes for in the other what the other hopes for in him; and this state of hopeful dependence renders each less fit than usual to be the guide which his neighbor seeks in him.

The presence of others always tends to relieve the strain of solitary thinking, enables it to take the form of conversation, throws upon the other the burden of correcting the half-thought which I utter. The other, in turn, instead of accepting the burden, tends to accept the half-thought, since it has been so far sanctioned as to be spoken aloud. The *illusion of authority* arises in every pair of interlocutors; and the illusion increases as numbers grow. In the multitude of counsellors is there not safety? and in the crowd, every man is the potential counsellor.

By this blind hopefulness not worth the name of faith, the crowd tends to beget its own leaders, unless

they offer themselves for its choice. Its capital is its common feeling of excitement: something is to be done or said, no one knows what: in this condition any loud and confident voice is likely to seem better than no voice. Leadership goes not to the most intelligent, but to the most resolute. And resolution grows in the crowd, as conviction grows, not by argument but by the discovery that one's sentiment finds an echo. Encouraging the release of repressed impulses, the crowd lifts the mind to the point of change; and the repressed self finds itself saying, "All along I felt that *this* was the right way,—now I am sure of it." So the quality of resolution may descend upon a mind, to its own surprise; and leadership may come in its train. Every crowd tends to elicit new men as its own appropriate leaders.

188. Thus, the crowd is the proper resonance box for the orator; its temper is the lock to which successful speech-making is the key. In order to think it must be moved; and to be moved it must be led to think, but in simple terms and in the emotion-charged groove of its own trend.

Oratory need not be evil of will nor unintelligent. The morals of a crowd need not be worse than those of the units. Their level of living may be higher rather than lower than their wont. The crowds that followed the great teachers of mankind were not at the time living on a sub-human level. The crowd will emphasize, magnify, exaggerate whatever emotion it adopts, whether for good or for ill, whether heroic or brutal. In the crowd, one rises from the base line of commonplace insight to something that feels new, and in ex-

perience is new. The insight may be valid: why should the stolider self be the standard of normality?

But even when the crowd is rising with its leader to a finer intuition and a nobler resolve, it is deficient for the most part in depth of root. The parable of the sower is the announcement of a great psychologist as well as of a great teacher of multitudes. While the rate of mental movement in the crowd is quickened, it is also superficialized, by its invitation to relax the thinking effort. Having no organization for the conduct of reasoning, it can hold its opinions only as dogmas, which tend with time to constitute a rigid orthodoxy. It most readily absorbs those who are able, under the *illusion of finality* and without mental strain, to *adhere:* and it deepens in them the disposition to that type of mental 'loyalty' which approximates mental death. The life of the crowd is in action: action is facilitated when its premisses are supplied in undebatable form; the shibboleths of crowd dogma tend therefore to be held as axiomatic and above question. The mental temper of the crowd is absolutistic.

189. This mental temper conspires with whatever in individual minds makes for economy of thinking and love of ease; it spreads wherever men find it convenient to assume that those who are alike in kind (the 'best' men, i.e., the men of our type) will hold the same views and feel alike on all subjects.

It tends to substitute for thinking the trick of the watchful ear, needing an outer reinforcement of one's view, and dependent on suggestion what view to hold. It develops skill in the art of throwing out non-committal leads and letting the ensuing applause or rebuff take the place of evidence. Thinking is, in any case, but

partly a lonely effort: it must be mounted on a large base of intelligent receptiveness. Hence it requires a special guard, if docility is not to become the chief intellectual trait of the easily social animal, the enemy of personality itself. For personality is gone when even their emotions the urbane are willing to accept from conventional sources of dictation.[2] The indirect relation to reality has eaten out the direct relation to reality, and therewith to the sources of selfhood.

190. Thus the habit of crowd-making and crowd-belonging becomes a menace to civilization, and might be called the peculiar disease of the great society, inasmuch as the vague total of one's kind or party tends insensibly to substitute itself for the inclusive entity in its psychological working.

For the inevitable result of the anemic view-holding which the crowd fosters is to localize and isolate the crowds which ought to remain in mental contact with each other. We then have a deadlock of crowd versus crowd, avoiding all genuine exchange of ideas,—conservative versus radical, the crowd of orthodoxy versus the crowd with the inverted orthodoxy of the 'latest' heresy, lending belief by the clock and the mode, the inverted orthodoxy to which the 'intellectuals' are most subject. And in this opposition of dogmas, the evil of the crowd-relaxation of thought becomes manifest. For these hostile crowds develop no ability to find or say the word of common truth that can promise

2 Cf. Everett Dean Martin, *The Behavior of Crowds.* "My thesis is that the crowd mind is a phenomenon which would best be classed with dreams, delusions, and the various forms of 'automatic' behavior. . . . The crowd mind consists first of all in a disturbance of the function of the real."

a solution of their antagonism. The crowd develops its own leaders, whose leadership depends on their ability to follow, a pseudo-leadership founded on a pseudo-conviction. *For an effective leadership, the crowd destroys the conditions.*

By depriving of reasonableness what is held by mere conformity, the crowd generates a convictionless public. The sober crowd-infection thus prepares the way for the unsober mob-infection.

191. It is these illusions and tendencies that make of the crowd a relatively blind and short-sighted grouping, whereas the society that is to satisfy human sociability and become the repository of culture must be intelligent, living in the past and future. Human sociability generates the crowd, but it is not at home there; it is rather in a prison house, and must escape from the creature of its own will.

If the crowd were the last word of sociability, the social instinct would be driven to complete the circle of its dialectic by a *return to solitude.* "The crowd may generate moral fervor, but it never sheds light. . . . Ideas or ideals germinate only in self-possession and quiet. It is in the desert, in the field, in the cell, in the study, that great new truths are cradled."[3]

To itself, the solitary reflective mind is the equivalent of society: it takes society up into itself, subjects it to criticism, conceives ideals for it and the laws which might bring them about. And it is here in the reflecting individual that we come nearer the actual sources of politics than in the mind of the crowd: "thou shalt not kill" is not the voice of the crowd: it

[3] Ross, *On the Properties of Group Units*, p. 140.

is the voice of the prophet speaking in the name of the god he has met in the mountain.

But the prophet, again, has had the nation to speak to; and apart from that preëxistent community, his voice is lost in the babel of contending voices, a private judgment which emerges from its solitude or semi-solitude only to engender a crowd among other crowds.

192. Both the crowd and the prophet, then, presuppose the community. Given the community, each has its indispensable function. The crowd, the source of the community's disease, may become the agency for its own cure.

For within the great society, crowd-forming has the normal function of a *sub-logical thinking process.* What to the individual is mere restlessness or passion becomes, in the crowd and its leaders, a 'movement,' a 'program,' a 'party.' The crowd in its holiday temper may be simply the valve for letting loose the primitive and repressed self; but if the self persistently needs to be loosed, it is because social adjustment is not perfect, and there may be serious labor to be done. The crowd is the natural organ through which the need of social change makes itself felt; it is likewise the natural organ for combating the demand and curbing its extravagance. The alignment of crowd against crowd is the normal method for raising public issues out of mere feeling into the first stages of definition.

The imperfect and dogmatic nature of crowd thinking carries with it an answering fickleness of alignment and of standard, which are not disadvantageous in the social process. For the crowd is destined to fulfill its office and give way to another, together with its shibboleths; and where this succession of pretenders

to absolutism is freest, the general instruction in the dangers of the absolutistic consciousness is most complete. To have been an absolutist once is perhaps the best security against permanent absolutism of particular judgments. Thus the American people, with whom the crowd-making habit is perhaps freer and more general than elsewhere, are winning through much experience a degree of immunity to the diseases of crowd psychology. Their danger lies now at least equally on the opposite side, that of being unable, through repeated disillusionment, to reach conviction on anything.

It is a personal weakness to be carried away by crowd feeling: it is a personal limitation to be unable to accept the aid of the carrying-power of crowd consciousness. The man aloof within the crowd is morally independent; but he is likewise an impoverished atom. The capacity for self-abandonment without loss of self-guidance is one of the generous and noble traits of human nature. It is well to have experienced the loose-letting of one's more primitive being, of the more heroic and magnanimous self, to have felt even the exaggeration of some moral quality, and in the abeyance of reflectiveness to know the concentration of value in some strong-felt good or ill. Through such liftings of experience, new insights, conversions, are the rule, not the exception; and with some permanence of effect, for what is once seen can never again be as if it were nothing. The microscope does not lie, though it throws things out of proportion. It belongs to the normal function of the crowd to become the means of lifting individuals in large numbers to perceptions which of themselves they would not be likely to win.

When the crowd-forming process is free, any ideal

and any slogan will find its followers and form its party; and these parties will be endlessly diverse in their membership, the divisions on one issue will not coincide with those on another issue. The public will divide one way on the tariff, another way on the League, a third way on prohibition, fundamentalism, etc. And this diversity of grouping is a sign of health. Ideals thrive on being disputed, provided not all are disputed at once. Social pluralism of the sort we find in the multi-headed and fluctuating authorities of the greater crowds is an actual benefit provided the single containing vessel is there, i.e., provided political pluralism is avoided. Given the nation, then the crowd, the rivalry of crowds and the oppositions of prophets become essential elements in the community's life.

193. We return, then, to the judgment that sociability cannot make the great society, still less the state. Its incapacity may perhaps be summarized in the statement that it is headless: it can neither be nor outline a social unity. All the more fluid forms which constitute the inner life of society require a stable background, wherein are found not as occasional objects but as constant interests an animated sobriety which the crowd cannot achieve, an attempt at impersonality of justice and universal thought, a stern insistence on the unity of the containing group.[4] Sociability and its free expression presuppose the community, they do not make it.

The source of this firm and lasting outline must be sought in harder stuff. The nation exists by virtue of

[4] This judgment is in agreement with that of F. H. Giddings: "Patriotism arose when the herd instinct failed" (*The Responsible State*, p. 8); and with that of E. A. Ross, *Social Control*, ch. iii.

some impulse capable of a self-imposed and intelligent necessitation. Can this severer factor be derived from the economic forces which from the beginning have compelled man to his hardest efforts through the threat of death behind him and the lure of ease and power ahead of him?

CHAPTER XIX

THE ECONOMIC FORCES

i. *The economic interpretation of the state*

THE frame of society has iron in it. This element hardly shows itself in the relations between man and man due to the social instinct. But men have other relations among themselves due to the relation which every man has with nature. Our dealings with the earth are of an exacting sort; the demands of livelihood increase, and a reluctant nature yields to them only at the cost of increasing pressure and extractive ingenuity; the relations of men to each other show the marks of this stress; they associate for mutual aid in a common effort.

In the end, nature is not playing with mankind: its word is "Master me, or perish." The human answer we call economy: economy is the mastery of nature. A man's property is his 'means,' the means of satisfying his will: but it is primarily his 'living,'—the distance between him and death. This distance may be great or little; it is always finite and there are always some for whom it is short. But in any case, the connections between a man and his neighbor are subject to the requirement that they must not tend to diminish this vital distance.

If group relations were incompatible with good economy, which would give way? The question is not wholly idle, since thousands are daily giving it a prac-

tical answer. The call of a better 'opportunity' is expected to dislodge a man from his neighborhood, his friends, perhaps his nation. Not from his family: men migrate by families; but all the lesser social bonds yield. Economy is clearly a force strong enough to unmake certain associations and to make others: may it be that it forms the bony structure of the great society?

The social instinct, taken by itself, deals with the amiable side of associate life. But even for mental and moral interests, amiability has an element of weakness. Issues are constantly arising between friends, and through fear of lowering mutual kindliness, they are not allowed to 'come to an issue.' Some sides of the clear truth of things are only had between persons willing to speak plain: and there is no such spur to plain speaking as a clash of economic interests. The great society contains pairs of friends; it also contains pairs of plain speakers who face one another with the question, My living or yours? The sort of truth spoken under such circumstances deserves the name of 'cold' truth: it is the truth about material interests unwarmed by sentiment. It is commonly spoken in courts of law, where the fabric of the community has to show whether it is equal to this kind of strain. But can anything, at bottom, be equal to an economic strain except an economic bond?

195. That bond would be, first of all, the obvious advantage of coöperation in food-getting. Then, of working out a system of production within a limited group of individuals, with certain understandings about distributing the product; and these understandings, sure

to create ill-feeling, must not cause more hostility than the common interest in holding together can sustain.

In proportion as the system of work and reward becomes intricate, one's living becomes identified with the continuance of that system. If property in essence is a matter of life and death, property systems, as delicate meshworks on which hang lives by the thousands or millions, will also be matters of life and death. A great society is always, among other things, a group committed to some system of this sort, and taking itself most seriously as it protects that system,—not always against reform, but always against the piecemeal disruptions of theft and the general disruption of discontent. Nature, we say, is not playing with man but contending with him; and the great society, alive to this fundamental warfare, cannot play with either man or nature. It is the sternness of this conflict that flows out most naturally in the sternness of arms, the enforced inner order.

No wonder, then, that economic force has been credited with making the state. The logic of the human situation is at bottom this: "Work out for yourselves a joint economy, or return to savagery with a decimated population. Build and maintain a community which shall contain within itself all your material requirements; call this self-sufficient group, if you will, the State. But see that men have held together from the beginning *first because they must,* then because it was profitable to do so, and only finally for the sake of companionship and the fruits of culture." This, in substance, is the economic theory of the state.[1]

1 The economic interpretation of history, and therewith of the state, has now become so much a matter of tradition and scholarly mode as to lose its logical sharpness; it needs to be distinguished from what it is

196. We are dealing here with a veritable force, and a force which no one escapes, though it appears very differently in the consciousness of different members of society.

The total pressure of any community upon the means of subsistence is a quantity of many factors, but a definite quantity. And somewhere in every society there are members who feel the whole weight of that pressure in their own persons, men without margins, living

not, the more as a vast mass of evidence presumably in its favor is equally compatible with other interpretations.

This evidence is largely to the effect that property interests have enormous political importance. It has been one of the great services of the economic interpretation that it has opened the eyes of mankind to the manifold ways, overt and subtle, in which economic motives and necessities have influenced laws, constitutions, manners, beliefs. But causes of various sorts coöperate; and these causal facts, important in themselves and cumulative in effect, still leave the main issue unmet.

For instance, the propositions that property is a source of strife, recognized by Plato, and that it may determine the form of polity and on occasion breed revolution, recognized by Aristotle, are not peculiar to this theory.

The dangers of inequality of wealth, recognized by a long line of thinkers, are the common property of all theories. Aristotle saw that such inequalities breed classes and parties, with characteristic psychological traits. Machiavelli observed that they breed a spirit incompatible with republican government, especially if many wealthy are also conspicuously idle. Hobbes affirmed that they breed ambition and discontent, whetting the envious greed of one class and the will to keep of others.

Montesquieu's proposition that modes of livelihood, as predominant agriculture or commerce, affect the spirit of a people and hence its laws, is more to the point: but it is a truth which could easily be granted, and in substance was asserted by Hegel.

What the economic interpretation stands or falls by is the proposition that *political power is in substance economic power*,—Harrington's thesis; or, more generally, that material necessity plays the rôle in history which Hegel attributed to Spirit,—Marx's thesis. I shall have to deal here, very briefly, with the kernel of the theory. In the volume on Rights I plan to consider the economic system more in detail.

from hand to mouth. If psychological transmission were perfect, as the transmission of pressures in a fluid, every member would be aware of that force in its full keenness.

But most men in modern societies stand at sufficient distance from actual want, so that the economic pressure is felt chiefly as a tie of convenience to their fellows. However unsociably disposed, a man would find it hard to separate himself from the colony of his kind where his work has a commodity value, his money an exchange value, his goods protection and respect. Most men cease to struggle away from the net of dependences into which every convenience allures them; they accept their inability to manage the material arrangements of life alone. "I let the meat trust butcher my pig, the oil trust mould my candle, the sugar trust boil my sorghum, the coal trust chop my wood, the barb-wire company split my rails."[2] And having resigned these functions, the thought of resuming them (except for a summer's recrudescence) tempts one continually less.

While the very poor feel the necessity of the economic bond to society without loving it, and the intermediate masses accept it as a fact which they have no power, and at the same time no motive, to challenge, the wealthy are its natural protagonists. It is the possession of stealable or destructible property that leads to the liveliest interest in community agreements for its respect. The disposition to accept acquisition as a claim to ownership is not a native disposition of early man: according to Lippert, something like a secondary instinct, acting as a check on the instinct of appropriation, must be developed before a large society is possi-

[2] E. A. Ross, *Sin and Society*, ch. i.

ble. But such a secondary instinct could develop only as a general sense of the satisfaction of controlling and amassing property is experienced. Property must create the sentiment for its own protection; and this sentiment will naturally be keenest in those who have most of it to protect. Hence, historically, the demand for an established legal order, and the support of it, has come largely from the possessors of goods,—though, of course, it is never solely the possessors who benefit by possession.

197. The circumstance that the possessors and would-be possessors have been the chief rule-makers carries with it the natural consequence that the rules have frequently been made to confirm the advantages of possession and increase them. Those who feel the force of the law on this quarter are indeed feeling the force of the dominant economic group, and the impression arises that the iron elements of the social structure are nothing else than *the embodied will of this economically dominant class.* This impression is supported by the history of certain military states in which the governing garrison occupied a purely predatory relation to the conquered community: the ruler is the tax-gatherer and little else. It is supported also by the spirit of a good part of Europe until the close of the eighteenth century, laws being made and exercised very largely in behalf of landed property owners who were also the ruling class. The main right of the Englishman of this epoch was "the right to make the most of his property." The state in its actual working seemed to be a vast conspiracy of all classes, not to live the best life in any general sense, but to enable these propertied persons to live well.

If this impression were erected into a theory, it would define the state as a force used upon all for the advantage of a few, an economic power used to increase itself. In Oppenheimer's language, the work-a-day "economic means" of satisfying needs would stand in explicit contrast with the "political means" which consists in "the unrequited appropriation of the labor of others." The state would be "an organization of the political means,"[3] i.e., an organization of robbery on a magnificent scale. And the masses caught in the treadmill continue to work it, partly because they do not realize their situation, and partly because, the means of production being preëmpted, they have no escape. The ultimate bond of society is an exploited economic necessity.

In this theory, justice of observation has suffered too much from a righteous resentment of conditions, some of which have disappeared, to allow it to qualify as a scientific hypothesis. Even in eighteenth century England, the social bond was something better than a hold-up: the typical landholder had a belief, obstinate, unexamined, and self-centered no doubt, but still a belief, that in his precious property was wrapped up the welfare of many beyond himself: in insisting on his rights, he was insisting on the foundations of the state, as his biassed eye saw them; and in his total services to the nation, he did something—all too little, God knows—to validate his views. It is only in the baldest relations of conquest that law has ever dared present itself as the will of the possessors; a system of property law which was nothing but the will of a class and known to be such, could not in a race of men long survive the discovery of that fact; and wherever the facts have even

[3] F. Oppenheimer, *The State.*

approximately justified the theory—as in the former Russian aristocracy at its worst—they have not remained undiscovered nor piously concealed.

It must be obvious that the deliberately and exclusively self-interested dictation of law is historically rare; and that it is an abnormality, rendered possible by the preëxistence of a normal political situation. It is that normal situation which must build the substructure of our theory: the long and continuing history of the abuse of property-power must take its place as an aberration from the state, not its essence. Theories such as Oppenheimer's, let us say clearly, are not "the economic interpretation of the state"; they are its caricatures.

The valid kernel of fact in the theory is this: some part of the bond of men in the great society is an economic stress, the stern pressure of a common necessity, felt in different degrees by all members of the community. The knowledge of needs and of the methods by which they are to be satisfied, in any system, is intellectual rather than instinctive: each member has to know the markets and think his way to his living. But beneath that knowledge is an intuitive sense that the system represents the rootedness of that community in the soil, and the instinctive drive of the food-getting impulse. It is to the sources of life that we are tied *via* these neighbors and these laws. Our attachment to the community is *ipso facto* our mastery of nature. Is this concern, perhaps, the chief nation-making force?

ii. *The logic of economic pressure*

198. To test the state-making power of the economic impulse, we must examine its anatomy in forcible ab-

straction from the other motives that are in every man. The "economic man" does not exist; but we can experiment with the economic manikin within ourselves. We find that the economic motive, like the social motive, has phases which make for social cohesion, and phases which make against it.

In its direct and simple form, it is egoistic and separative. Hunger, its instinctive root, regards the earth as serving the individual organism, its working and building. Hunger contends against its neighbor for its bone and drags it into hiding. Economic interest is more than hunger: it is concerned to satisfy not the stomach alone but the whole will, so far as matter and energy can satisfy it. But the wider the area of human wants, the less the sufficiency of the earth to satisfy them, and the more the potential antagonism between you and me in our desire for the material goods. *Simple economic interest is a divisive force;* it has of itself no tendency to bring men together.

199. But human economy is never simple. It is deflected by human intelligence, as that of the wolf pack is deflected by instinct; making common cause as producers, they veil their hostility as consumers. In the coöperative group the individualistic motive is in disguise; and in this, the typical form of human economy, we appear to have *an anti-individualistic economy,* as we had an anti-social sociability.

Coöperation is typically human because the human mentality is necessary and sufficient to recognize its advantages, suspecting them if not expressly thinking them out. Within limits, the increase of number in a group promises accomplishment out of proportion to

the number: several may secure something where one alone (unable to remove his boulder or to surround his game) must perforce get nothing. They may use one another as tools,—boosting, making the body a ladder, a link in a swinging bridge, etc., magnifying the powers of the human unit. And there is a sense of insurance that no one will be a complete loser in the risks of the chase; and at the same time there is salvage of the waste which occurs when one alone bags more than he can consume.

Upon this semi-instinctive base there grow artful devices which exploit and thicken the economic cement. First, the simple exchange of services (as in the mutual helpfulness of hay-makers and barn-raisers to this day): you help me, and I will help you. Second, the pooling of efforts toward a common fund: the more you contribute, the more your share of the total. Third, the exchange of goods with division of labor: the more you produce for others, the more of their making you can have for yourself. With these devices, all appealing to self-interest while promoting common action, the era of infinitely ramifying social dependence is begun.

These devices are all so far equalitarian that they need create no distinction of level: a fair exchange leaves both parties where it found them. But let the division of labor enter the realm of the will (as, "You fight for us, and we will work for you"), or of the intellect (as "You think for us, and we will carry out your ideas"); and at once a complex social order is outlined: the many appear to serve the few; the solidarity of coöperation passes into the solidarity of subordination.

200. Let these coöperative devices work out their logic, and the society which gives them scope must far outpass the limits of the original coöperative group. The men with whom I wish to divide labor and exchange services are dispersed over a wide area: the ranchman on the plains, the miller in the grain market, the cotton-grower in the southern fields, the banker in the metropolis, the soldier in the barracks, the artist, scientist, expert in every domain, wherever in the world I can find him. It is no longer the small group, it is the great society that we are dealing with. It might appear that economy has built the nation.

201. But with its success in linking and sustaining a people so numerous and so diverse, the economic motive enters a new phase, puts off its disguise, and shows its primitive divisive nature.

For the characteristic economy of this developed society is the *rivalry of competing groups;* and by the degree to which the power and appetite of the group may exceed those of the individual, the competition between these groups displays an intenser and more ruthless egoism. This phase of things, uniting in fact the coöperative quality of the second phase with the simple egoism of the first phase of the economic impulse, might be called a *concrete economy.*

The formation of coöperative groups is rapid in our day, and seems to exhibit chiefly the uniting aspects of the economic interest. The corporation, the industry, the professional and craft unions, the granges, the pools of interest that rise to political importance, creating formidable minorities or blocs, show developed powers of common action. But they show also group selfishness in its most brazen form, selfishness the

more readily avowed since it appears as benevolence toward its several members.[4]

And the principle of disintegration infects the co-operating groups themselves. For with the rise and deepening of inequalities of fortune, the Have-nots tend to make common cause as against the Haves, and so to create lines of cleavage across coöperating groups, as of employers and their employed. These pseudo-coöperators meet one another as hostile forces; they make agreements which resemble temporary truces rather than stable peace; they deal with calculating reference to their bargaining position; they profess to have "nothing in common," except, indeed, the business enterprise which ties them in an accidental and unwelcome yoke of partnership for profit.

202. Let me repeat that we are examining not the whole mentality of any man, but the economic motive alone, as we must in order to estimate its possible effect in building the nation and the state. Our judgment is that *it is wholly incapable of any such achievement.*

Of its three phases, the second or coöperative phase produces a semblance of social union which crumbles the instant one loses faith in its advantages. Nor could it produce even this semblance except by the use of a social stock in trade, a language, and a disposition to reach agreements which it owes to the social propensities of men. The other two phases, simple self-assertion and group rivalry, are visibly divisive in their

[4] No one will say that the impact of opium-producing states upon China has been of the sort to promote the solidarity of the world. So far as the nation is inspired by economic interest alone, it is a world-splitting entity. It shows on the largest scale what the intrinsic tendency of the economic impulse is.

effect; and they reveal the true inwardness of the motive which is so hopefully credited with constituting the structural steel for the framework of society.

In existing societies, the cables of interested dependence are indeed strong enough to resist ordinary impulses to break away, like the threat of disinheritance which a solvent father might hold over a recalcitrant son. And if men were nothing but calculating machines, they might hold mechanically together on this ground, once the great society has been assembled and set in motion. But human beings, while they can endure sometimes to reduce others to items in their own calculations, cannot endure to be so reduced by them: each one fundamentally resents being treated "as a means only." Hence the general habit of considering the other man so far as he is useful to me and no farther is a trait which, given sole sway in any community, would reduce it in time to its elemental dust. Economy alone could destroy, it could not create the nation.

203. And since no thoroughly sensible man could really expect a large group of egoists to cohere for long, even for mutual advantage, those who maintain the economic interpretation show, by certain inconsistencies, that they are unable to carry it through. Let us notice some of their difficulties.

Economic theories of society and state intend to be realistic: they propose to display the structure of human groups in all its bald and skeletal harshness. But having thus displayed what these social entities *are,* they decline to do what a good realist should do, accept this economic structure as normal and therefore right: on the contrary, they disown it. When an Engels or an

Oppenheimer, a Loria or a Novicow, a Sumner or a Brooks Adams, exhibits a state built by economic forces he means not to commend it but to expose it. To the Marxian, the economic determinism of law and morals has built in workingmen a belief that they ought to yield their lives and their toil to the adornment of a superior few: but this belief, in spite of its necessity, is denounced as superstition. He appeals, it is true, from one economically determined order to another which he conceives better. His appeal from a political economy to a social economy is an appeal from the selfishness of the few to the self-interest of the many; he assumes that these many will gladly cast aside a life of *work-for-them* in favor of a life of *work-for-ourselves*. He fails to see, as a rule, that this work-for-ourselves is composed, so far as each individual can see, still chiefly of *work-for-others;* so that, unless he can appeal to something other than the economic motive itself, the logic of his criticism of the capitalistic economy will turn against the socialistic economy and reduce it also to units each of whom works only *for himself*. But he does, in fact, appeal to other motives. Socialists have always relied, not upon their economy alone, but upon moral resentment of wrong and moral enthusiasm for a better order, to build their community. They have announced an economic interpretation only to abandon it.

For that matter, the forces which they have put forward as constituting the capitalistic state turn out on examination to be something quite different from economic. They realize that the false position ascribed to the predatory governing classes, or to the economic powers behind the throne, could be sustained only by deception; but deception, I submit, is something wholly

different from an economic force,—it is a confession that the economic motive by itself will not work. Let me illustrate this by supposing a not impossible case. Let us suppose that certain high-tariff interests succeed, by employing clever brains, in persuading some nation that a high tariff on their line of goods is for the general welfare, and not for their own pockets; and let us suppose that this is false. An economic interest has deflected legislation. But this event, typical of those supposed to support the economic theory of the state, wholly fails to do so. For the success has depended on the prevalent disposition to act for the general welfare, i.e., on current ideals of justice and good sense; it is by misleading these that the result is achieved. To call this economic determinism is pure bosh. The proof is that, immediately the masses find that they have been deceived, they cease to be deceived, and the 'determinism' ceases to work. The very statement of Marx that the ideology of law, morals, politics, religion, is not what it pretends to be, but a function of economic interest tends to undermine its own validity; for in that case Marxianism is but another ideology, economically determined, and without presumption of truth.

As a matter of fact, the realism of the economic theory of the state is almost wholly fictitious. In its nineteenth century vogue, it is an *a priori* dogma, the result of Marx's ingenuity in "turning the Hegelian dialectic upside down," i.e., one apriorist puts his finger to his nose at another apriorist. And it retains this character. When Brooks Adams says that "the law, being the resultant of forces in conflict, must ultimately be deflected in the direction of the stronger, and be used to crown the victor . . . (while) the Sovereign is

only a vent or mouthpiece'' for these forces, he is speaking not of observed facts but of imagined metaphysical necessities.

Nothing could more strikingly attest the inherent weakness of the economic interpretation than these confusions of its advocates. They use an *a priori* conviction as a clue to what exists; they set up this fictitious what-is with the realistic persuasion that they are declaring the normal nature of things; they reject this what-is for the sake of what-ought-to-be in its place, and thereby repudiate their whole structure.[5] They realize, without admitting, that no union of a scope comparable with the nation can be constructed by economic interest alone.

204. The reverse is the case: it is rather the nation that makes the economy than the economy that makes

[5] There is an alternative position which should be mentioned, namely, a doctrine that there is in the nature of things an irresoluble hostility between what ought to be and what is. This seems to be Professor Beard's conclusion when he finds that ''we are confronted by an inherent antagonism between our generally accepted political doctrines and the actual facts of political life'' (*The Economic Basis of Politics*, p. 87). For these generally accepted doctrines are the ideals of liberalism which Professor Beard does not appear to reject, even though they have been used by certain economic interests to ''thrill the masses.'' He feels the confusion that arises from taking these ideals seriously when the facts are what they are; but he neither adopts nor recommends that relief from confusion which would result from throwing away the ideals. The antagonism is 'inherent.' No doubt the confusion exists; but whose is it?

The position of Professor John R. Commons is clearer and more justly realistic. He sees social coercion, not as a pressure created deliberately by ruling classes for the increase of possession, but as a fact implicitly existing in society with the advent of property, which classes struggle to obtain possession of. Sovereignty contains elements of this coerciveness, together with elements of order and right which will eventually be dominant. *Am. Journal of Sociology*, V, p. 365 ff.

the nation. In a specifically economic group, like an industry, the membership is cut to fit the economy; in a natural group, the economy is cut to fit the membership. In the case of the nation, it is the fact that this particular community of human beings exists and proposes to work out a livelihood together which sets economy its problem. The Puritans came to America to cut shingles; but we hesitate to define Plymouth Colony as a shingle-cutting camp. As a community already vaguely outlined and in search of a home, occupation and territory were an essential part of the picture,—a necessary but not a sufficient condition for the existence of the new state.

Generally speaking, *economy presupposes the community as given.* The tribe is not made by its economy; for economy can neither make nor alter kinship, though it may change the basis of reckoning kinship. The same is true of the nation. Into its immense group of coresidents will be gathered those who have constant business and occupational dealings: but there will be included many more who have no determinate economic relationships beyond sharing the same territory and its resources.

On the face of things, no modern nation bears the slightest trace of being outlined, as this particular collection of human beings, by an economic motive. A nation is a congeries of thousands of interlacing economic groups: it is in no sense a functional economic unity. And though it is a misfortune when a political boundary cuts through and divides the parts of a clearly marked economic region, like Silesia, the time has long passed when economic groups are checked by national boundaries. The great society in which they operate is the civilized world; in stretching their tenta-

cles through its distant reaches they tend to ignore the nation as a community. The economic group and the nation are incommensurate: the former cannot pose as the generating cause of the latter.

It is true that one of the mightiest trends in recent history has been the effort of great enterprises to drag the canopy of the state with them and stretch it over alien populations where markets and raw materials can be had, in the presumable political interest of economic self-sufficiency. But this tendency, carried to its logical completion, would end in every nation-state being world-wide; and its destiny is—I speak dogmatically, in anticipation of later discussion—not to distort nations but to focus the concern of all nations on a working international law. The desire to be self-sufficient, though fantastically impossible of fulfillment by any nation-state in the present condition of the world, is a reasonable aspiration: but, I repeat, all such desires emanate from nations and presuppose the nation as given.

205. Indeed, the very force of the economic pressure is derived largely from the given group. If a man exists alone, the economic pressure upon him is, within limits, what he chooses to make it. Bare existence being provided for, he is likely to find a mode of living at a level suited to such exertion as he feels easily inclined to make. But if he is a member of a family group, he scrutinizes available productive capacities among its members with a different concern: the stake of living has an altered perspective, and a new rigor is felt in the economic demand though the proportion of productive power to consumption remain the same as before. The force of economic pressure is as ambigu-

ous as the force of air pressure: confine the air in an auto tire and it appears to give the flabby fabric great firmness, but without that enclosing fabric its pressure would soon fall to that of the air around us. Likewise the enormous power of the economic motive is due largely to the enclosing strength of the given community.

206. We have dwelt on what economic forces can *not* do, because we are in search of the state-making elements of human nature, and because the economic interpretation has exaggerated their ability in that direction.

It has hardly exaggerated, it would be hard to exaggerate, the immense, constant, and pervasive influence of these forces on the mode of a community's life. No community would bear the least resemblance to a modern state without its distinctive economic backbone. Beside the iron which it contributes to all law, and to all the impersonal relations of men, it profoundly affects the organization of states and determines the bulk of their activities and of their problems. We have not begun to indicate the degree to which the task of mastering nature has affected the mentality of mankind, and therewith all of its social structure. Having rejected the omnipotence of the economic forces, it will be a large part of our task to assign them their rightful place in the state. Meantime, we continue our enquiry into the qualities that make nations.

CHAPTER XX

ECONOMY AND SOCIABILITY

PURELY economic interpretations of society would never have gained a hearing were it not that in speculating on the behavior of the economic man, one very naturally takes the rest of his psychology for granted. It is all but impossible to maintain the forced abstraction consistently. We speak of trade; and we silently ascribe to our traders the use of speech, a modicum of good faith, a peaceable temper and situation. We speak of economic power; and we overlook the fact that it would never extend beyond the reach of the right arm except for the social powers that precede and aid its growth. Athens was superior in prowess before it was superior in wealth. The religious orders were first revered and then enriched. Growth of confidence precedes the growth of credit. What economic pressure is credited with doing, it does by the aid of sociability and its fruits.

But since sociability and economy normally act together, need we any longer consider them apart? Every human head contains both types of interest, and they must unite in his plan of life: his total society must satisfy them both. May they not together do what neither in isolation could accomplish,—build the state?

208. In both sociability and economy, there are tendencies which make for social cohesion and other tendencies which make for disunion. And these are so

adjusted to each other that when the one threatens to pull the community apart, the other holds it together, or tends to. Simple sociability helps to counteract the disruptive by-products of simple economy, and paves the way to a coöperative economy: the interests of cooperation, in turn, span the chasms which selective sociability makes in the large group. I believe, in fact, that the course of social evolution can be fairly interpreted as an alternate expansion of social and economic values, each advance in one factor being a condition for the next step in the other. For instance, the domestication of animals, an economic revolution, instigates a change in the form of the family and other social changes: these, in turn, pave the way for the next radical economic development, extensive agriculture, etc. Such a reading of history appears to me far more realistic, and at the same time psychologically saner, than an interpretation which makes either of these factors the prime mover of the whole process.[1]

But I fear, with the limits of our knowledge and of the accuracy of our terms, there is no calculus to tell us whether we could find here a sufficient reason for the nation. There comes a point in every analysis of society when we must fall back on simpler modes of judgment. With the picture of contemporary political society before us, we can form some estimate of the forces at work; and my judgment is that, so far as the two factors are concerned which we have been considering, the disintegrating tendencies outweigh the cohesive tendencies, and that 'progress' tends to increase this unfavorable balance. But nationality is an

[1] I have given a too schematic account of this view of history in a pamphlet, *The Law of History*, published some years ago by the California University Press.

achieved fact; there is a unity which maintains itself; and thus we have circumstantial evidence that the state-making element of human nature is still to be found. Let me briefly summarize my reasons for this belief, namely:

i. Society becomes more vulnerable as it develops;

ii. Self-assertive dispositions increase; and

iii. At the same time, the natural checks upon self-assertion diminish.

209. *The more developed society is the more vulnerable;* as a man is more vulnerable than a tortoise, or a symphony concert than a mob.

Social advance may be roughly measured by the achieved freedom of belonging,[2] the liberty and intricacy of dependence both social and economic, and thus by the openness of each to effects from all the rest. To be open to benefit is to be open to injury; the whole fabric of interpenetrating memberships is liable to disorder in proportion to its perfection. The lines of food-supply of a metropolis, the mechanism of transport and communication supporting multitudes of close-timed engagements, the sensitive barometers of the markets instantly observed and obeyed,—these may represent a thousand arrangements of the sort men build and risk their lives upon as on the slopes of volcanoes. Some of its treasures society makes safe against crimes of cupidity. But the way of the will to destroy is always easier than that of the will to steal: against a notable wave of vindictiveness or malice society could ill protect so much as its physical property. As for its invisible property, its common sentiments and traditions, they are destructible less by violence

[2] § 98, above.

than by indifference, by a deadly conventionality of respect, by the sensitively captious spirit which civilization itself breeds. It is the *élite* who find it hardest to think together, to preserve a cultural inheritance without decay, to conserve the spirit of common action.

210. *Self-assertive dispositions increase.* For satisfactions increase, and with them the expectation and demand that *all* wants be satisfied.

Social development brings with it a sharpening of individual self-consciousness, increased awareness of wants and cravings, an enhanced uneasiness in view of any repressed or incompletely satisfied wish. As wealth is got by ministering to desires, a premium is set on making men conscious of hitherto subliminal discomforts. The mentality of civilization is expert in its attentiveness to residual cravings,—a contemporary symptom is the vogue of the Freudian psychology in its social applications, the psychology for a culture ready to challenge as abnormal every restraint upon the assertions of instinct.

Social unrest is due in part to radical abuses, maladjustments, wrongs. It is due in part to material progress itself, the states of mind it engenders, and the philosophies which abet those states of mind. In every developed society individualistic philosophy flourishes, —as it should. But if the sharpened self-regarding sentiment reads in that philosophy the nature-given right of instincts to full expression, and at the same time an escape from responsibility, because in a deterministic world each behaves only as he must,[3] the tide of human

[3] Well pointed out by C. C. Josey in *The Social Philosophy of Instinct*, opening chapter.

desire and impulse will beat with increasing energy against the institutions which shore it in.

211. At the same time, *the natural checks upon self-assertion diminish.* For as the whole grows larger, and the circuits of cause and effect within it harder to trace, it becomes to the average imagination less vividly real, and the ends it pursues increasingly remote from tangible objectives.

Instead of the tribe, whose united activities frequently enlisted the man-power of its members and gave them an almost muscular sense of its being, there is now the nation, a name whose meaning tends to fade to an ideal image. In this evanescent whole, the working of the forces that govern individual fortune eludes grasp. No one yet *knows* the laws of social or economic processes. The learned have their hypotheses; the man in the street has but his superstitions and his eyes. He would like to believe that when each does his part, things go well; but he sees particular instances whose ideal tendency is undiscernible,—hurry, waste, or greed in the saddle, ability escaping recognition while incapacity intrenches itself behind the machinery of the system. He finds himself caught in the cogs of this invisible mechanism, unable to envisage its workings, unable to rationalize what he does envisage, unable to follow with consent the inequalities which it creates and deepens, unexplained.

For as numbers increase, inequalities increase; and with the growth of inequality, *unexplained,* there is weakening of the morale of union. In the small group of coöperators, distribution on whatever plan tends to be modified by the principle, "To each according to his

need'': inequalities can be referred to known personal differences, and are relatively free from invidious taint. In the large society, formal rules of 'property' replace more personal distribution; and these rules appear to reward not skill, labor, and ingenuity alone, but also shrewdness, position, birth, prior possession, luck, and meanness itself. It needs only the suspicion of this tendency to foster habits of invidious comparison, and with them the disaffection of the less fortunate from the social order.

This disaffection must be exacerbated by the almost universal habit of *projected blame*. For unless one is visibly the sole agent of his own fortunes, it is always open to him to suspect as responsible for his mischances whatever other agencies have conspired with him. In a modern state, nobody is the sole cause of what happens to him for good or ill; and with the increasing intricacy of the social web the opportunities for exporting blame multiply. For one's moral failings Nature has always served as a scapegoat: for one's misfortunes the broad back of The-Existing-Order offers itself,—the more indefinite, the more useful. Weeds need no hothouse; but the great society is a conservatory for the weeds of projected blame; it prepares the recruits for parties devoted to its own undoing.

212. It would overstate the case to say that human instinct in the large society operates destructively rather than constructively.[4] But certainly, by the very width and distance of the horizon, and the increasing

[4] Cf. Professor W. H. Doughty, ''The human factor in popular government,'' *The Constitutional Review*, April, 1919.

mystery of social 'laws,' the instinctive checks upon instinct are baffled. Hence in high and low alike, the love of personal freedom holds in decreasing regard the phantom restraint of law, acquisitive tendencies more easily ignore the common good, small-group loyalties more plausibly set up as complete, ambition becomes more susceptible to the blandishment of profit and less amenable to the call of an un-perquisited public duty.

If it is true that "the social cement which has so far held western civilization together is crumbling away,"[5] we have in these three tendencies a large part of the cause. The cohesive factors increase, but the divisive tendencies inherent in our economy and in our modes of finding social satisfaction appear to outstrip them.

213. This picture, which is simply the working of the 'law of decline' as it affects the large community, does not mean that society is headed for ruin. It means simply that we have not identified, so far, the psychological trait which unifies the nation and presumably makes it.

Indeed, since both sociability and economy presuppose the community as given, it is, *a priori,* probable that the outline of the community is due to some trait of human nature other and prior to both of them. The small groups and crowds of a nation are plural; the economic associations are also plural; and these two non-coincident pluralities do not of themselves fuse into a recognizable unity.

The state is not based on a plurality of even fundamental needs: it does not arise from the interest in

[5] Graham Wallas, *Our Social Heritage,* p. 85, quoting from "an American friend."

mere nature-mastering, mere wealth-making, mere friendliness, mere culture, mere discussion and application of justice, nor in any simple sum of these things. We turn from our negations to our positive thesis.

CHAPTER XXI

THE HUMAN WILL

i

WHEN Hobbes traced the roots of the state in human nature to a "pursuit of power after power that ceaseth only in death," he made it clear that the desire for power is not a separate interest, one among many, but an adjunct to all the specific desires. It is the way of less circumspect animals to follow the hint of each hunger as it arises: it is the way of man to consider his desires as a whole, expect their recurrence, and seek that which will "ensure forever the way of his future desire," namely, power. Power, for Hobbes, is but an abstract name for the condition of being in command of resources, the energies of nature, the capacities of one's own mind and body, the like abilities of fellow men, so that whatever foreseen or unforeseen thing the possessor may wish to accomplish, that he can do. Power is the means to every end.

But as nature arranges our impulses, that which is a means to various ends is likely to appear as an end in itself, the object of a specific interest. Food is such a means to all organic ends; a separate hunger presides over food-getting, we seek food for its own sake. Vision serves almost every activity: but nature does not limit sight to what is thus useful—it supplies the full field and makes the satisfaction of sight an independ-

ent good. So of the interest in power: it is not left to the intelligent calculations of prudence. In the higher animals it appears, in some form, as the object of a distinct instinctive interest. To have a store of nuts, ensuring "the way of his future desire" to eat, is a condition so far satisfactory in itself to the squirrel that he hoards far beyond the possibility of consumption.

To the human being, however, having power of this and other kinds is still more significant. To be in control of forces and to know himself in control is a *right status* for him, a status in which he feels himself in the line of his destiny. To be powerless is, so far, to fail of being human. Obversely, to live as a human being is to possess and use energy, to have the science of the powers of the world and to ride them, to be able to do and to make without assignable limit. There is an instinctive trait at the root of that part of the story of the Garden in which man was given authority over the rest of creation: every animal assumes control of his own prey, but man assumes that even the hidden springs of natural and supernatural power are to be subject to him. Man alone is the masterer of fire, the magician, the explorer, the domesticator and breeder, the scientist, the delver into the secrets of the gods, the being that finds a premonitory delight in probing the sources of his own terrors and pains. The will to live, in man, takes the form of the will to power, i.e., the will to be in conscious knowing control of such energies as the universe has, and to work with them in reshaping that universe.

215. Thus understood, the quest of power is not merely in the interest of other needs, nor is it merely

a search for another independent satisfaction. Power *is an element in the good which all instincts seek.* Man does not seek power merely that he may continue to eat: he eats that he may have power; and the mere pleasure of eating is far more than a gustatory satisfaction,—it is the satisfaction of passing from relative weakness to relative potency. He seeks power in the form of wealth, an abstract symbol for the mastery of nature; and this impulse which we call 'economic' is peculiarly human, because it means that all instincts have material conditions for their satisfaction, and that these material conditions have been reduced to a common denominator and made subject to a single effort so that a thousand commands are contained in one. But he does not seek economic power merely that he may have what wealth will buy; he regards—and in spite of all the criticism of the ages directed at the man who forgets the end in the means, he rightly regards—economic success as itself a victory. There is no economic instinct, but the interest in the rational control of the material conditions of life gains its profound strength from the will to power. The social instinct, in all its forms, has in it a promise of power: for it leads men, as we have noticed, to the right mounting and full use of their mental forces,—out of society man feels his best gifts wasted. I do not say that one seeks the company of his kind because he wishes to be powerful, as if being powerful were something else than being companioned: my point is that being companioned is, *ipso facto,* being in fuller power, having the peculiar leverages of a human being.

The quest of power in this wide sense we may take, then, as an instinct which is in all instincts, the fundamental instinct of the human kind. Power *per se* is not

the *summum bonum:* no one could be satisfied merely by swelling in power and using this abstraction without regard to what is achieved. But power is an inseparable ingredient of the human good, and so of whatever is desirable. Pleasure itself implies the consumption of energy, hence the possession of energy. And that more powerful concern for *reality,* which leads men to hold pleasure as secondary in worth, and even to seek pain,[1] impels the human being not alone to know what powers are in his world, and to regard such knowledge as a power, but to incorporate in himself such powers as fit him to deal with those external powers. The will to be real is one with the will to be a power among powers.

It is an error to take the phrase, "the will to power," as naming something already defined and understood, and especially as having some affiliation with arrogance, competitive selfishness, or Tower-of-Babel ambition.[2] We are using it to designate a fact prior to all ethical quality, as a name for the vital impetus itself, and as a tentative and inadequate name, whose significance is the deepest problem of self-consciousness. We have the craving for potency: life is the process of learning what this craving means, in terms of the concrete program of living: only experience can instruct us in what ways this will to power can find its fitting satisfaction. The race and the individual experiment with many partially false interpretations of what they want, in the course of finding a true inter-

1 Cf. Yrjö Hirn, *Origins of Art,* ch. v. S. Freud, *Beyond the Pleasure Principle.*

2 Though the fact that presumption, pride, ὕβρις, *superba,* have been regarded as the chief of sins by the most enlightened nations strongly suggests that they represent a corruption of man's distinguishing excellence.

pretation: we propose now to follow—in a mythically simplified fashion—the course of the typical development of the will to power in individual life, noting how the major instincts are inserted in it. And in the course of this development we shall find the psychological foundation of the state. For the state exists for the satisfaction, not of particular needs or impulses, but of the whole man. Sociability and economic pressure are disqualified for this rôle by the simple fact that they are partial aspects of human nature, derivatives of the will to power.

ii

216. The instinct of infancy is dominated by impulses making for nutrition, growth, and the building of primary habits, i.e., for power in the biological arena. It adopts from the first, as its natural relation to the outer world, the assumption that this outer reality is there to serve *me*. This outer world is taken as addressable and to this extent personal; and further, as so far concerned in the well-being of the new self as to be subject to appeal, demand, expostulation. From the first cry, the growing will shows itself disposed to exercise these social powers, as ministering to the dominant craving which makes for growth in organic capacity and control.

This primitive claim-staking on the part of the budding will normally meets with a response which encourages its assumptions. The world does in fact serve it. Under this favoring sky the will strikes a sturdy affirmative root, and childhood is commonly launched upon a second stage, an *era of violence,* in which psychologists are inclined to detect the instincts of 'self-assertion' and 'pugnacity,' evident derivatives of the

will to power. The body is the immediate organ of the will: if the non-ego is hesitant, recalcitrant, or hostile, one makes use of this organ to produce compliance. Crude self-assertion of this sort has its successes and its failures; and in both cases it brings something the will does not want. No social instruction can save the incipient will from these experiences, and its inferences from them, the dialectic of pugnacity.[3] It must discover through adopting a too thoroughgoing antagonism that the destruction of intercourse is beyond its intention; and that laying aside the excesses of wrath presents difficulties, the more when one has been successful than when one has failed, since the other is a will also and makes its own conditions of amiability. In those smaller groups where the social impulse is keenest, one learns to revise one's will to power in some way so that the other will is included in its scope.

217. From the standpoint of the purely self-interested will a condition of hostility is one of subtracted power, a condition of amity one of added power. Further, persistent hatred is a rapid consumer of energy. Self-assertion is thus defeated by its more belligerent successes, and without altering its egoistic bent gropes its way to a *non-competitive* mode of expression, so that while reaching its own ends, the ends of others can likewise be forwarded. The era of violence gives way to an *era of ambition:* one seeks a rôle in which one fits with others, lives on good terms with them, and still leads, commands, and plays the hero.

Thus boyhood has usually its period of *conceit,* an

[3] For the general theory of the dialectic of the will and a further discussion of the dialectic of pugnacity, see the author's *Human Nature and Its Remaking,* chs. xxiii, xxiv.

imaginative and *a priori* sentiment toward self as possessed of distinguished power. This is a disease of favorable omen, implying as it does a readiness to assume responsibility and toil, and a certain acceptance of the standards of those in whose eyes one proposes to shine. Conceit concedes the authority of the invisible rulers. And the belief that one can do much is, within bounds, a favorable atmosphere for achieving something: it is normal and fortunate that the endless difficulties of our undertakings disclose themselves only after we are deeply committed. Hence conceit in the growing boy, like *vanity,* a similar pride of power in the growing girl, is one of the most forgivable because auspicious of faults.

This period and the following are often times of great mental suffering because of the suspicion of inferiority or ineffectiveness. Only a being conscious of the right of power could suffer so much from such a cause. Shyness is usually an evidence of strong self-regard which feels a lack of the current means for making its worth *tell* socially. It is the reverse of an 'inferiority complex' with which it is often confused. But both types of embarrassment are signs of the same healthy will which is destined to find its outlet as it finds its appropriate language.

218. In ambition and in vanity, the imagination is still so far competitive as to be grandiose or romantic, positing oneself spontaneously in the leading rôles. But meantime another strand of human instinct has been ripening, destined at adolescence to merge with the self-promoting form of will to power. The tendency to *nurture* or to *lend aid,* sometimes identified by psychologists as the 'parental instinct,' but present from

very early years, begins to modify one's attitude not only to the 'little,' the favorite object of childish tendance, but to the living environment at large as an always helpable object. A capacity for deliberate altruism cannot exist until there is a capacity for deliberate selfishness; but the discovered satisfaction of the nurturing instinct, a form of exercising power which normally leaves the will of the aided person free, has won by the time of adolescence a sufficient place to mitigate those types of ambition which subordinate the other will. Power *for* one's neighbors competes in interest with power *over* them. The egoism of sex-impulse, itself a field of mysterious powers conscious and subconscious, is steadied by protective impulses. The conceit of leadership is less insistent on one-way domination, more willing to share control and admit a mutuality of superior gifts. The growing will is prepared for independent activity as a social being.

219. The social world into which the maturing will now enters, on its own account, is a mode of life governed by ideas. That is, there is a characteristic way of doing everything one has to do, from planting a field to courting a wife, from entering a college to calling a physician or getting a job; these customs, laws, economic systems, institutions, have to be *thought* in order to be lived in. And because ideas enter so deeply into its constitution, none of its forms are final; it is vulnerable to new and better ideas; it is continually being disturbed by them. And these new ideas are continually being fought, trimmed, assimilated, built into institutions where they in turn contest the place with their successors. It is a world in which all forms of

power play; but in which all forms of power are subject to the power of ideas.

This world is destined to initiate the newcomer into a further form of the will to power, namely *power through ideas*. For while he enters it as a learner, an apprentice, no living mind can exist long in such a structure without rethinking it; he will have ideas of his own: except for the impossible case of finding it perfect, one's new power begins with his noting of defects, and from criticism he passes to proposals for alteration. He tries to build his idea into his society; he finds it resisted, he finds that he has something to do; and he finds that in doing it his will breathes in all its cells as if it had found more completely than before what it wants and why it exists.

And he finds, further, that in so far as he wins power through his ideas, power-over men becomes completely merged with power-for them. For an idea can gain control only by being understood by others, being rethought by them, becoming their property; to win control through an idea is in the same moment to become a servant. It is this notion of a completely mutual and non-competitive power which, escaping the notice of Hobbes and of Nietzsche, left their interpretations of human nature truncated, and of political life distorted, by the unresolved notions of domination, exploitation, and invidious class-distinction. In competitive types of power, the more one has, the less others have; in the case of power through ideas, the more one has, the more everyone has.

220. In the form of the will to power through ideas the will reaches its maturity; but it has further ex-

periences to meet which may modify its conception of its aim.

Every man knows intuitively that power of this personal variety is what he wants; but this knowledge gives him no certainty as to which of his ideas or qualities fully deserves to attain power. He has his convictions,—they clash with the convictions of others; he revises his own views; he learns to distrust self-consciousness as a guide to what is most valid in his thinking. It is well enough to have the will to serve; but one may not insist on serving in his own way.

One's 'idea' is, after all, not this or that fragmentary fancy; his idea is another name for himself. And this substantial and central idea is conveyed somehow in every deed, yet never wholly visible to the owner. One must either wait for the free appraisal of others, or else find some super-social sanction for his belief which gives him the certainty of a prophet, and makes its promulgation a duty.[4] The art of subordinating the personal and conscious in one's thought to the super-personal and relatively subconscious is one which must be painfully learned; and in this discipline, the will to power is purged of the last strain of self-assertive presumption.

For the will to power must suffer its disillusionment, and not seldom its tragic transformation. It must make its reckoning not alone with external evil, obduracy, chance, but with its own limitation, untimeliness, mistake. And as individuals vary, their reading of the outcome of such experiences will vary, and no type-picture can be anything but inept.

[4] Cf. *The Meaning of God in Human Experience*, ch. xxxi, "The prophetic consciousness."

Some, oppressed by the incommensurableness between individual powers and historic tasks, suspicious of all conscious plans for changing the face of the world, retreat into a subjective existence. This may take the form of melancholy aloofness and nerveless pessimism toward action. It may lay hold of the Stoic distinction between the things in our power and the things not in our power, and retire with Boëthius into the citadel of self-command and the routine of duty. Or it may take the form of abandoning the effort toward a unitary object of will, relaxing into that immediacy of pleasure-tasting or the cult of individual 'expression' from which the will to power was destined to save us by directing our energies outward.

Some seek an other-worldly treasure, whose earthly aspect is that of power through sacrifice and loss, and the abandonment of worldly ambition. And still others reject the whole conception of power as inevitably contaminated with the quality of self-assertiveness, and seek to replace it with some form of the love for mankind.

221. Some of these ways of reckoning with a disillusioned will to power, notably the last, represent simply the choice of another name for the same thing. The will to power through ideas implies the love and service of mankind.

Others, however, in trying to omit something from the too great demands of ambition, surrender some element which cannot be omitted from the good which the human will necessarily seeks, and which therefore reasserts itself. Thus, the altruist who wills the social weal and not his own, still desires something more

than the social weal, namely, that this weal shall be forwarded *by his efforts,* apart from which his own excuse for existence would vanish. The world-fleer does not wholly transplant his treasure; for he still hopes that his view of other-worldly good will be transmitted to other minds of this world, and become a leaven which will transform human society. Whatever one's final philosophy, it can never be held as a purely private result: as a supposed body of truth about the living world, there is inseparable from it the impulse to knead it into the self-consciousness of that world,—a refinement, but not a surrender, of the will to power. All life has the self-propagating impulse; and when life takes the form of a person, self-propagation means incorporating in history that mode of seeing things which is at first unique in the person.

Universalize thy maxim is the Kantian imperative of duty. Universalize thyself in thy effect is the inescapable imperative of happiness, or of the satisfaction of will.

222. And in all alike, the will still strives for *permanence of effect.* As a biological being, man takes satisfaction in the continuance of his tribe: the promise that allures him is that his seed shall possess the land forever. As an active being, he wins his happiness in deeds and structures that have the quality of durability:—who does not remember with peculiar satisfaction the first piece of work of which he could say "This will last?" As a thinking being, man wills that a thought shall be lodged by him in the working currents of futurity.

In Plato's analysis of the will, all desires are forms

of love, and all love is a form of the quest for immortality through propagation of the spiritual essence. A literal immortality in human history the individual person cannot have: but an immortality of effect, of the reproduced self, can be gained, and possibly, in some degree, always is gained.

For this definition of the object of human will does not imply, as our defective discussion suggests, the conspicuous performances of exceptional men. It implies no more than is logically contained in the desire to count for something, to be worth keeping alive as a human personality. Whiting Williams, whose study of the minds of workingmen is in the best sense empirical, thus sums up his psychology: "As a practical simplification of the instinct-theory, our thesis proposes that the motivating purpose of all of us is our desire to establish and to enjoy the feeling of our worth as a person among other persons."[5] And if this worth-while-ness or counting-for-something is not illusory, it carries positive consequences which transmit their own kind, and so persist. The conspicuous elements of history are but enlarged symbols of common experience. In some degree of clarity, a concrete or historic immortality is the unabandonable goal of the will: it is what all men most deeply desire, so far as the will can be fulfilled in human existence.

But even if the disillusionments of experience could lead men in their later years to resign their claim upon the fully human good, that claim would still be renewed by each succeeding generation. And thus the race will be held to the effort to set up such conditions as will make its fulfillment possible. What are these conditions?

[5] *Mainsprings of Men*, p. 147.

iii

223. We are asking how it is possible for men to satisfy their wills. This is the same as to ask how they can attain what they most want, or how they can reach "the highest good"; only, we are not picturing this good as any final achievement or lump sum of happiness to be obtained at some particular culminating moment; but rather as a steady report of living to consciousness, to the effect that one is rightly placed, is counting as a human being, is changing things in the direction in which they need to be changed and will stay changed, so that in one's own way one is altering the universe *for good.* This awareness of power may be like that of the oarsman who in rowing with his crew is aware at each stroke of adding to the way of the boat; or it may be like that of the scientist who pushes a step farther into a standing puzzle of nature, or of some contemplative mind that deepens its hold on the meaning of things. It is the nature of power not to be captured once for all but to grow and to continue; but our question is, how any such power as we have described is possible at all.

224. It goes without saying that there are some things an individual must do for himself, if his will is to be satisfied. Happiness must be tried for, and tried for intelligently. The will to power can easily be defeated by unfitness or untimeliness of performance, due to lack of self-knowledge or to ignorance of the world as it is.

Accordingly one must do, and submit to, what is necessary to 'find oneself,' i.e., to learn what one's powers are: one must keep alive his contacts with his

fellows, making them significant, not numerous; one must welcome criticism, lend himself to the process of trial and error, avoid pretence and fear illusion,—at all costs be real. One must try for self-mastery in respect to his scattering impulses and his technique of habit; and for a quick sensitiveness to the truth of values, about which all life aligns itself. And first of all, one must keep alive his inherent ambition, regarding that as the metaphysical requirement within him, and therewith the faith that happiness is possible for him.

These are the things each one must do for himself. They are demands, certain of which are included in the moral law, and certain others in the maxims of worldly wisdom. We may sum them up as one's *duty,* in the sense in which duty is the price of happiness paid in advance.

225. But there are other conditions which no individual can supply for himself.

Clearly, no individual can provide the permanence of his own effect. He can aim and cast his missile; but once it has left his hand its course is the business of the rest of the universe. If his work is to endure, one necessary condition is that it shall fall into a context which can supplement his transiency with its own durability. And what is not less important, relieve him of the dread of hopeless relativity in action, of treadmill or meaningless circular performance, by its own persistence of direction in time.

Again, no individual can provide himself with sufficient knowledge, either of himself or of his world. It is not complete knowledge that is required; for the deed that is to last need not be in any absolute sense a

perfect deed—the phrase has no certain meaning: it need only be what the situation requires; and individual experience gropes its way to such fitness of action by slow degrees. But society must help in the achievement of the insight that is to improve society. Adequate self-judgment and adequate assessment of the context into which an event is to fall, require induction into an over-individual stock of wisdom.

Finally, the best judged deed, if it is to have its due effect, must be received fairly and on its merits. It may fail through lack of a hearing, or ill luck, or prejudice, or a hundred other mischances. It may fail through falling into a too well-satisfied society: in primitive and unprogressive communities men behave as though everything were already found out,—it is precisely in those places where men have most to gain through new ideas that new ideas are least welcome, and personality most nearly meaningless. Nothing short of a world of persons can completely secure the field for any new person, persons reasonably discontent, uncommitted, hopeful, and disposed to listen to *him*. But the best idea can only be sure of its due reception in proportion as the wilder hazards are eliminated and impersonal tests of performance established in society.

226. These, then, are the conditions beyond individual control necessary to the satisfaction of the will to power in history: a permanent order, an available storehouse of acquired wisdom, the conquest of disorder by peace, and of chance by impersonal reason and justice.

Note, too, that unless these conditions are secured, duty itself is weakened and tends to disappear. And especially that fundamental duty of keeping ambition

alive. For the will to try is dependent on the worth of trying; ambition can be considered a requirement of the universe only if the universe somehow provides the conditions for fulfilling it which the individual cannot provide for himself. Without these conditions—let us call them objective conditions—duty, and therewith personality, would be stunted at its source.

And what are these but the conditions which the state exists to provide?

CHAPTER XXII

PURPOSE AND ORIGIN OF THE STATE

THE state exists to perform those specific functions which we have noticed from time to time in our study. But behind all these functions, as the one great object which explains and connects them, the state exists for the sake of making it possible for individual men to realize their fully interpreted wills to power, and thereby to encourage these individuals to become as completely personal and rational as they have it in them to be. Briefly, the state exists *to establish the objective conditions for the will to power* in human history: this is our thesis.

228. Many of the obvious functions of the state, such as maintaining order and defence, are included in the *provision of permanence.* And this provision of permanence is not completely understood by the uses we have already seen in it, namely, the value of a calculable future and a cumulative past for the arts of trade and enterprise and the continuity of culture. Behind all the arts, this permanence serves the wills of individual men. This cleared and controlled time-room invites the imagination of every head born into it: its memories and plans enlarge to the dimensions of that vista. Through the state, humanity, the same kind of power that is in each one, is in control of time and its contents; it is his kind of power that is governing the

issues of history. He may knit into that work, and last while it lasts.

229. The law-giving and law-administering functions of the state we have seen as aids to the stability of social groups, and as keeping in conscious view of men their better reasons. But law fulfills these functions by the way of securing the second of the objective conditions for the will to power,—*adequate knowledge and self-judgment.*

In the first place, law makes men aware of the *bearings of their actions.* All of a man's deeds have consequences which he does not follow nor intend. Some of these consequences he is apprised of by the outcries his deeds occasion among his fellows; but this instruction is rude and partial. One cannot be said to know his own act until he knows its whole implication, whereas consciousness always tends to concentrate on immediate aims. One hunts and fishes without thinking of the effects of these acts on the supply of game; he cuts timber without knowing or caring what that may mean for future water supply and erosion; he quarrels with his neighbor and breaks his engagements without computing the effects on the neighbor's career or his own credit.

What, after all, is the 'whole implication' of one's way of dealing with conflict, amusement, marriage, birth, death, property, misfortune,—all of which have a thousand echoes in the general life beyond the agent's ken? Knowledge so extended can be gathered only by a mind having an unlimited net of experience and an unslumbering memory. It requires the state to *learn* what individual actions mean; for to the state alone all consequences are sure in time to come. Thus

it requires the state to tell the individual what his actions mean, and law is the channel of this information.

But in particular, law aids self-knowledge by keeping in place those partial and conflicting standards which come from the various social groups in which one finds himself. This mode of action deserves special note.

230. Sociability gives birth, as we saw, to certain ethical standards in the conversations of its smaller groups. The world of economic activity likewise develops a code of its own. These codes are not in agreement. In the economic code the prominent virtues are not fraternity, equality, kindness,—but prudence, industriousness, perseverance, enterprise, efficiency, the realistic and empirical mind. "Against such there is no law" in the social world; neither is there any law against the fruits of the spirit in the world of business. But in application, the standard of efficiency does not always prescribe the same conduct as the standard of humanity, and if the mind brings these two standards to bear at the same time, it will be divided between them.

So long as the social and the economic groups are simply other, alternating as they commonly do in the division of the day's program, the mind tends to oscillate between the two sets of ideals without bringing them into active clash; or else, dimly sensible of their divergence, it may make a conscious attempt to isolate their provinces, as in the maxim that "business is business." But to keep them apart in this way is to make each set partially false, for each set needs the correction of the other. The social ideals, when preserved from contact with the hard world of business

enterprise, tend to become sentimental and unreal.[1] The economic ideals in their turn, taken alone, steer toward self-defeat through inability to sustain the morale of industry.

The two sets of ideals belong together; for they are at bottom parts of a single ideal. The economic ideal is the mastery of nature; the social ideal is the subordination of nature to mind: these are different faces of the same thing. The denial of either destroys the other. Imagine, for example, a group of minds devoid of economic sense, incapable of meeting the elementary physical resistances, indisposed to exertion, to the labor of forethought, and to the honorable examination of physical law in order to gain control of things: what social attraction could exist among such minds? That which provokes liking toward man or woman is the sign, intuitively read, of that primitive virtue which is called out in meeting the original physical obstacles, the elemental grit which, left to its own resources, would meet its problems well. So long as man has a body he is, prima facie, a being made to cope with nature, and by whatever degree the increasing mastery of nature calls out a wider field of thought, by so much it adds to the potential attraction of man for man. The strength of the social bond thus depends, among other things, on the degree of prowess which the economic order at any time demands and develops.

From the fact that these two sets of ideals belong together, it follows that no habit or regulation which

[1] Sentimentality means subjective value shrinking from application to fact: it accepts feeling at its face value while rejecting the thought and action which the feeling means. The term thus applies literally to ideals intuitively gained and developed in small groups, so long as they refrain from working themselves out in the world's affairs.

does gross violence to one can promote the other: if any of our economic ways is obnoxious to social principle, it cannot be in the long run economically sound; if any social principle when applied in business leads to economic disaster in the long run, that principle cannot be ethically right. Thus if slavery appears to be economically advantageous, and yet shows itself socially pernicious, the presumption would be that even its economic profitableness is illusory. The Lancashire factory owners of an earlier generation judged their use of man-power on the same principle by which the London tramways calculated that the maximum profit was to be had by using up the horses in four years. When the outrageous human consequences, whereby employes were worn through at the rate of nine generations in one generation, brought the Factory Acts, the beneficial effect on profits showed that the original calculation had been mistaken.[2] On the other hand, if some socially generated ideal, such as equality, enforced in the economic order, should prove pernicious in its economic effect, its apparent moral excellence would become suspect. On this ground we judge that the industrial anæmia of southern Asia, so far as it is promoted by prevailing religious tenets or social standards, argues something defective in those ideals. Thus, the long-time working of each order comments on the standards *of the other order,* as well as upon its own

2 S. and B. Webb, *The Decay of Capitalist Civilization,* pp. 114, 115. The authors add that "it is not possible to prove that an unscrupulous sacrifice of humane considerations to the single aim of maximum profit may not lead to higher dividends, etc." There is certainly neither proof nor likelihood of a preëstablished harmony in detail between humanity and profits; but it is possible to prove, as above, that the ultimate conditions of humanity and economic soundness in the community must be the same.

standards. And in order that valid standards shall be discovered, a community is needed which can survey both the economic and the social groupings of society, gather their long-range workings, and criticize the principles of each in the light of the other, as no individual can do.

It is precisely the task of the state to do this. For the state in its lawgiving is obliged to feel the pressure of both sets of interests. Most laws—not all laws—could be fairly described as attempts to formulate rules of behavior which will satisfy the social and the economic standards at once. The law of property cannot be built solely in the economic interest to the neglect of the human considerations involved in industry and trade. The law of the family cannot be built on the interest of personal affection and ignore the habits of the economic community in the distribution of property. The state cannot pretend to reach final solutions in the economic field, much less in the specifically social field; it cannot substitute its own judgment on matters of principle for the judgment of any individual. It is bound, however, in the business of law-making, to reach its own judgments, using, so far as they apply, the principles of a negative pragmatism:

Nothing can be socially right which is economically wrong;

Nothing can be economically right which is socially wrong;

—the long run being understood in each case.

However successful or unsuccessful the effort to unify these two sets of standards may be, the thing of utmost importance is that such an effort is publicly and unrelentingly made. For individuals must reach an inner consistency in their own principles, or give up

the pretence to selfhood; and while they may not be able to adopt uncritically any decision of state, they have the benefit of the perennially renewed discussion, and of the postulate that inspires it,—that there is a consistent solution, and it is our business to find it.

231. That the state undertakes to provide the third condition, a fair and impersonal judgment of performance, is implied in its *fostering of justice as a state of mind* within and beyond the law.

Justice is a term whose meaning grows far beyond the application of existing law. It means a force fighting against accident and caprice in the estimating of men and their work. It means that a man's ideas are to be brought to a market with as fair a chance to pass on their merits as if he were marketing a carload of grain. It means, therefore, the strengthening of the impersonal aspects of community life. It means the *elimination of irrelevant disabilities* in every interest of life. If sex has nothing to do with voting capacity, then sex is not to be part of the definition of a voter. If Cyrano's nose has nothing to do with the merits of his poetry, or with his quality as a lover, his nose cannot justly be dragged into the issue. The state may be too clumsy to enter this field in behalf of Cyrano, even if he were willing to admit it; but the idea of justice cannot stop short of defining in perfectly general terms all the tangible interests of individual life, so that the irrelevant disability is put out of court.[3] It is a part of what

[3] What is irrelevant cannot be told offhand. There was a time when a Protestant could not collect a promissory note in certain South American states. We think religious differences irrelevant to his interest as a man. They may not always be irrelevant to his citizenship in a particular nation.

is meant by "fair competition," by "the right to a job," etc.

And just because there are regions of justice which the state cannot enter in person, it must concern itself with an *education* or man-making activity which means the development of personality in all its members. For personality is the assurance, and the only ultimate assurance, that the impersonal products of personality everywhere will be justly valued. Justice in this wider sense the state never attains; but it can never cease to aim at it.

232. These three conditions for satisfying the will to power, conditions beyond the control of individuals, we might sum up in the term objective right, to distinguish them from the conditions which it is right each subject should provide for himself,—his 'duty.' If we define the purpose of the state as the *establishing of objective right* in this sense,[4] we shall include in our definition nearly all that our previous tentative definitions have contained, and we shall express as they have not done the concern of human nature in the state.

But we have one important addition to make. For in the commotive or history-making functions of the state we have composite deeds expressing a will to power which appears to be that of the state-entity itself. It is, however, as I shall show later, an integral part of the will of each citizen; so that our conception of the purpose of the state must be enlarged to include a part of that very will to power for which in its other functions —and in this—it provides the objective conditions.

It would not be false to say simply that the state ex-

[4] There is, I think, no danger of confusing this term with Duguit's phrase, nor with the German *objectives Recht*.

ists *to satisfy the wills* of its members, or to *promote their happiness.*[5] But these phrases, besides their lack of specific definition, are liable to the misinterpretation of hedonism, which supposes that the will can be satisfied with enjoyment as contrasted with work, or that happiness consists in pleasure rather than in activity. The word 'power' forestalls these caricatures of human nature.

It would be true also to say that the state exists *to secure freedom,* if by freedom we mean that release of the will which comes from learning what one's cravings mean and finding that emplacement in the world which gives them scope. But freedom is always the freedom *of some impulse:* it is never mere freedom in the abstract; and the phrase 'for freedom' is incomplete until we know what impulse it is that is freed. It is thus a more concrete assertion to say that the state exists to secure the freedom, or the way, of the will to power in history. Or, the will to power is the psychological fact to which the state is the institutional answer.

233. But we require of our psychology that it shall show us not alone what instinct the state is to satisfy, but also by what impulse the state is brought into being. And here the will to power has the competence which both sociability and economic interest lacked. The social instinct we found to be headless, the economic forces of society incapable of producing unity.

[5] All groups exist to satisfy the will in some phase or other; but the state exists in a peculiar sense to satisfy the whole will, taking charge of whatever is left unsatisfied by other groups, so far as the life of man in history can satisfy this residual desire. The Greek idea is, so far, right.

The will to power, even in its cruder forms of self-assertive ambition, contains the initiative and power of unification necessary to create a social whole and give it capacity for action. This kind of social structure serves the will to power of its members without any deliberate intention on the part of the state-builder or conqueror to do so.

In the family state, with its cherished prospect of tribal immortality, the will of the patriarch is too naturally identified with that of his kindred to present the political problem in its clarity. But with the first great military states, the specifically political situation appears. The conqueror intended to realize *his* will to power by force; and the human herd, with no aspiration for immortality, may be compelled, if they are not content, to find their existence in serving as the scales upon his armor and the stones of his tomb. But conquest shows, though it may not learn, the first principle of political structure:

There can be no power-over without power-for.

Whatever is implied in the mere existence of the state, of permanence, of the stabilizing of outlook, that the despotic regime supplies its subjects willy-nilly. Its force constitutes a dike for the social pond, sustaining to some extent its cultural level, and defining its individuality. Further, there are some few points of an inescapable identity of interest between ruler and ruled. His peace and order is their peace and order. His success in war is their protection, even while it is their slaughter. His resources must be drawn from them, and require—so far as he is intelligent enough to see it—their preservation and prosperity. His care for the annals of the dynasty is the promotion of their

memories and continuity of purpose. His edicts, loaded with his arrogant self-interest, still contain spurs to their self-knowledge. Finally, he is ensnared as we saw in the principle of his own rules, and as well by such ideals and religious beliefs as he holds; while his ambition to be great can only satisfy itself by enlisting the instincts of a people disposed to find a vicarious ennoblement in the magnificence and grandeur of the political lord.

These undeniable facts constitute no apology for despotism. They show, nevertheless, how it has been the historic destiny of despotism to prepare the way for liberty; how it has been the destiny of liberty to make its way through use of the structures which despotism has created. The will to power in its egoistic form must always build better than it knows.

234. But even the despotic will to power has commonly been better than purely egoistic: the element of tendance is not absent from the Cæsars and the Napoleons. What appears as the arbitrary course of ambition is capable of so large a place in human annals only because it is an outgrowth, though monstrous, of a true instinct. Maturity of will is never content with merely setting up a family,—it looks to the framework of the family future: hence paternity naturally shades into realm-building; and realm-building in turn contains some vestiges of the paternal instinct.

We have a false picture of the individual will when we think of it as occupied in "adapting the individual to his environment." The will overlaps the individual. It is made to take care of men, not of one man alone: it is so balanced that except through assuming care for a group it cannot reach full competence to manage its

own life. The individual is not mature until he thinks the group, and thinks for it. Physically, the group contains its members; mentally, each member contains the group. The affairs of any gang of adolescent boys, conducted by competitive shouting of advice, show how spontaneously each feels himself an adequate administrator for the whole. This overflow of the will is the prophecy of the state.

The will to power in the form of the *disposition to administer* is the psychological origin of the state. It is in all men. There are those who seem devoid of it, and of every call for assertive energy, desirous only to live and enjoy; ready to display the 'instinct of self-abasement' to whatever will accepts the task of thinking and doing for them. There are entire stocks composed apparently of the supine. Even these are not devoid of the political faculty. They desire their will to be the will of the group, but they want an easy ascendency: if administration costs an effort, they prefer it should be made by others. But deprived of the state, even these indolent pools of mankind show themselves stirred to make one.

Most men find their own special occupations capable of consuming more energy than they have; they prefer, accordingly, to regard the task of state-building as already done. We all are disposed to say to the soldier, *Nolite turbare circulos meos.* But let the state fall, and every man discovers that it is the first task of human instinct to provide it; let it be threatened, and it is the first task of instinct to sustain it; for the will to power perceives that its way is not secure, in any field, unless the political community is there. And the will to power in the state-maker is the will to satisfy the wills to power of all.

PART IV

SOME RESULTS

CHAPTER XXIII

ARE GROUP MINDS REAL?

THE psychology we have been working with is individual psychology. It is the needs and the initiative of individuals that have made the state, and continue to make it. This implies that the individual is prior to the state; it also implies that the state is prior to the completed individual. He needs the state to become the person that he has it in him to become.

But what is the state in itself,—this entity which grows so naturally and inevitably from the overflow of men's wills to power? We have now to meet the long-deferred and crucial question whether the state, whatever its origin, is itself a mind over and above the minds of its members, a super-mind. Are social groups in general, or at least the natural groups, mental individuals of a higher order; and must we consider, beside the psychology of men in groups a "group psychology" dealing with the mentality of these composite beings?

236. The evidence which leads to the belief that group minds may be real is of two sorts. There is the testimony of experience:—the experience in moments of intense group feeling of being merged in something greater than oneself and greater than one's neighbors; the experience also of doing things with groups, of being carried along by a current of impulse and re-

solve which emanates from no particular person, but from the spirit of the group. Groups are visibly agents; and if one has felt their temper from within, he can easily credit them with having wills of their own.

The second sort of evidence is the extreme theoretical and practical embarrassment of the opposite view, when we are consistent with it. To define groups as merely composites of individual wills is indeed the natural view: our eyes make individualists of us,—we see the many, not the one. But this is most certainly a view of the first look, hardly more than a natural prejudice. Some of its difficulties we encountered at the outset[1] and hastily considered. But they have disturbed for centuries the minds of philosophers and jurists who have been obliged to reach some usable conception of the capacities of groups and their liabilities. If a nation makes war, are its citizens one by one accountable? If a trade union of a thousand members breaks an agreement, must one try to recover from its members one by one? If a partnership is dissolved, and the members continue to do business separately, is nothing destroyed? Is my obligation to the state simply equivalent to my obligation to all my fellow citizens severally, as so many wills to power? Is the mentality in any group merely the sum of the mentalities of its members? These difficulties are fundamental; we must give them a more careful hearing.

i. *The difficulties of social atomism*

237. The essential difficulty is that groups have mental qualities which do not appear to be derived from the qualities of the unit-members.

[1] Ch. iv, §§ 24 and following.

A crowd may be indefinitely more vicious than its members severally; or, with the right union of heads, a joint wisdom may emerge greater than that of any member. The deeds of the group are not mere magnifications of individual deeds. The property of the group is not always the property of its members distributively: when the Athenians wanted to divide among themselves the income from the public silver mines, and Themistocles persuaded them to use it for building a fleet, he was enforcing upon their minds the distinction we have continually to repeat between the commonwealth and the wealth of its units. And the group as a whole has a unity and a distinctive character which may persist while individuals come and go.

Thus, the interests of the group are not found by taking the common interests of its members singly. The massing of men does not make a human group; and, conversely, no human group is a simple aggregate of human units.

238. Perhaps the nearest approach to such an aggregate is the combining of men for simple physical labor, as in the case of a gang of diggers without an overseer, one of whom so far directs that their efforts are actually added in the common task. What is the mental structure of such a group?

It is the essence of the bond that at the moment of receiving his directions, each man waives his physical self-government in its main object, allowing the thought and will of the leader to take control of his muscles and purposes. Within this general scheme, each makes use of his own mentality, skill, and effort. They constitute together not a sum of minds, but an extension of the directing mind and body, a multiple

mentality under the control of a single plan and will. To achieve this unity it is obviously necessary that they first understand that plan, so far reproducing the leading mind in their own. It is then necessary that he should know that they have understood, reproducing their minds in his, together with their reproduction of his mind. They, in turn, will be aware that he knows they have understood, and so on, as far as one cares to pursue the series of mirrorings whose totality is a simple unity of will. Thus far removed is the mental meshwork of a simple group from the setting of minds as it were end to end.

239. It appears from this instance that atomism is operating with a false view of the self, as something enclosed and bounded after the fashion of the body.

Purely as a physical being, the self cannot be truly pictured as enclosed in its physical outline, crossed as that outline everywhere is by streams of matter and energy. Cut away earth and outer air, and what meaning is left within the brave figure? But we are particularly liable to be misled when we assign boundaries to the mind. We distinguish between a mind and its objects, as if the objects were something wholly distinct. But omit the objects, and have you still a mind? Certainly not. A self, we have said, is a process of intercourse with reality: cut away the objects and there is no process, the mind becomes a seeing without light. The empty mind is equivalent to no mind; hence we speak of the outworld as its 'contents,' and draw the mind's boundary not at the eyes but far and away in front of them. The self must include something of its objects.

240. But among its objects are its fellow selves, its society; the boundary of the self must be so drawn as to include something of them also.

It is true that the self is something without society (§ 157, above); but it is also true that when society is there, the self entertains something of it within its own proper domain. To know a single other person is, for the time, to see the world as that person sees it; and that view of things remains part of oneself. To know a hundred persons is to incorporate a hundred visions with one's own. To reach maturity is to see and think—as a self—but at the same time as an epitome of a society.

Hence the self is, as it were, a multitude brought to a common focus. The voice with which it speaks is the chorus of all the voices of all the souls it has met, immortalized within its own proper voice; its vision is a confession of its social history. Tolstoi is Russia; Russia teems out of him. The social instinct implies the essential boundlessness of the self where humanity is concerned. It is the destiny of the human individual to be a mart for the mental commerce of the world, receiving first, transmitting afterward. It harbors a universal life.

241. In fact, if minds were the well-bounded monads of our atomistic view, such mutual understanding would be impossible; for communication would be shut off from the beginning, and therewith all building of social groups.

For however we picture our units proceeding to open their dealings with each other, we assume that they can *approach* one another. Unless two physical

bodies are in the same space, there can be no physical approach; for approach means a lessening of distance, and distance is a relation of two positions in the same space. Similarly, unless two minds start with some objects in common, and *known to be in common,* they can neither find each other nor begin conversation. Given an identical physical world which establishes known relations between their bodies, given means of expression known by both to be such, given certain general interests in food, drink, shelter, weather, which are shared as objects of common human nature,—with so much in common communication can begin and grow: with nothing in common, the two minds are simply not in presence of one another and have no way of knowing or guessing each other's existence.

This implies that before two selves can communicate, some objects must belong to both of them, and not to each severally. This space is mine, but not mine alone: it is 'ours,' it is attributed by each of us to a 'we.' It is as if this 'we' stood for a real and aboriginal fact, prior to all further social grouping, coexistent with the self.

ii. *The analogy of the organism*

242. One way of expressing the fact that selves reach out beyond their apparent limits into regions which prove to be possessed in common with others is to say that they *inhere in a common life.* Social groups, or some of them, are "organic" in structure. It is an ancient speculation that a society differs from an assemblage of individuals somewhat as each of these individuals differs from an assemblage of unit-parts.

Mental organisms are capable of uniting in organisms of the second degree.

The analogy is alluring; and it has been indefatigably pursued—with some advance in seeing what is pertinent. We have reached the point, after hundreds of years, of realizing that there is no sense in asking "whether society is an organism" until we know what we mean by an organism, and whether we have in mind the organism of a man or that of an oyster, a banyan tree, or a zoöphyte. The one thing that matters is, what characters of an organism help us to understand the structure and life of social groups.

243. We may take it as characteristic of organisms that their parts depend on the whole for their important qualities; i.e., they cannot be extracted from it without withering in some respect. It is likewise true that the whole, though it has qualities of its own, depends on the parts.

The mark of an aggregate is that its parts may be not only set together but separated again without internally affecting them, as a set of balls at pool may be framed, scattered, and framed again, and still remain to all intents the same. Their relations are 'external.' But the parts that enter into an organism become something other than they were, taking on the quality of the whole organism. The soil and air that enter into the pumpkin become pumpkin tissue, characteristically pumpkin throughout, while the neighboring turnip makes of the same soil and air turnip tissue, without confusion or mistake. The relations of the parts are 'internal': cut the organism to pieces and the parts can neither return at once to their former

character nor hold the character they have had as parts of the living total.[2]

244. To some extent every social body shows these organic qualities. Even relatively casual groups, our gang of diggers, camping parties, etc., begin to differentiate the functions of their members and to develop an *esprit de corps* in which each member participates. Within the group each member becomes something else than he was. And were it only for the facts of memory and habit, he can never emerge from it the same man. To this extent the analogy always holds.

It is equally evident that this organic quality invades different types of human grouping to different depths. In our gang of diggers, the men can separate, take other work under other masters, and remain more or less the same men. No doubt something of dear life goes into all work; and something of experience, of team-play, of the habit of subordination, have made

[2] In greater detail, an organism may be said to have the following characters:

(1) It is an identifiable group of parts, fairly marked off from its environment, while constantly exchanging matter and energy therewith; (2) it has a character as a whole which is impressed on every part, as implied in the word 'assimilation' when outer materials are taken in and by the word 'intolerance' when an attempt is made to substitute for its own tissue that of a different type; (3) it persists as a whole, and is aided to persist by what each part does, the parts in turn being sustained in their activity by all other parts; (4) this mutual service is most readily expressed by using terms of purpose rather than terms of mechanism, saying that each part serves every other and also the whole as a means to their ends, and is served in turn by them as an end to which they are the means; (5) it fails in this conserving activity, has a finite life-cycle, fairly regular and characteristic for all of its kind, and dies after reproducing itself; (6) but since the life-cycle includes reproduction, the life of the kind persists, and may be regarded as the true organism.

the units different from what they were: it is as somewhat other men that they will take up their next job. But they have contracted for nothing but their labor; their labor is all but detachable from themselves. And similarly for all groups made by deliberate contract: the assumption that a man can extricate himself from the group the same man, as from an external relation, remains nearly true. The organic quality is here at a minimum.

245. It is more evident in associations whose kind has been long enough in the world to develop settled internal arrangements, such as partnerships, which are almost as old as human coöperation.

The partnership (the *societas* of Roman Law) is sufficiently an individual being so that it is thought of as one, and its component individuals as *its* members. It is considered by its public to have unique mental resources such as the participating minds strike out in each other. A firm of architects to-day will naturally include one partner whose skill is primarily of the engineering variety, another whose talent is mainly in the field of art. In such an association each learns to depend on the other, and to relax somewhat on the side of the other's strength: they become different persons, and cannot rightly withdraw at whim or will from the association. The "we" acquires a character, and can act more competently than either alone.[3]

[3] Here I find myself unable to accept the terms of the contrast which Maitland makes between the Societas and the Universitas, the former marked by a contractual, the latter by a conferred unity. The element of contract must enter into all conscious associations for mutual benefit: it cannot therefore be distinctive of the Societas. On the other hand, neither the Societas nor Universitas is a merely contractual group. In each case the whole has a certain reality and effect in law: it may do

246. In the corporation (the *universitas* of Roman Law) the unity budding in the partnership becomes so far full-fledged as to receive legal definition. Selfhood is conferred upon it from above: it becomes a juristic entity, to be treated as if it were a personal owner of property distinct from the property of its incorporators, a maker and payer of debts, a subject of other assigned rights.

But while in respect to the unity of the whole the organic quality of the corporation seems well-developed, the fact that it is a derived and artificial unity, especially devised in many modern forms to make its members extricable and intact, leaves it in a puzzling and uncertain position.

This ambiguous character of the corporation led to one of those instructive confusions in legal history which throw light on our special problem of the nature of the state. The great canonical jurists, impressed by the made-up quality of the corporation, applied to it an assertion which the Roman lawyers did not make, namely, that the *universitas* is *nothing but* a juristic entity. If so, then it is not a real being, but a *persona ficta,* as Pope Innocent IV phrased it. But that which is not real cannot have real members: the incorporators therefore are not members of the corporation. What, then, is their relation to it? Are they guardians, as of a ward *non compos mentis?* It is not clear that a nonentity can have guardians any more than it can

business as a whole; it may be taxed as a whole; its members acquire an altered status within it. In the hands of Hobbes, as Maitland rightly observes, the contract principle was used to set up a Societas; but Hobbes was clear that the status of every member was definitively altered thereby. Thus *contract is not properly contrasted with legal status or estate;* but only with the status of birth, with which Maine was alone concerned when he drew his famous distinction.

have servants, agents, or members. Again, having no immortal soul, it is not to be judged in the next world; but if incapable of sin or crime, how can it be judged in this world? Yet it must be held responsible. And would not the same reasoning disqualify it from holding property and exercising the other rights which are its sole *raison d'être?*

These puzzles are themselves fictitious, as Oldradus and Bartolus saw: if fictions are to be admitted at all, it is arbitrary to set a limit to what shall be thus invented,—the state may be allowed to endow its creations with whatever powers it will, and with whatever liabilities should logically go with those powers. But if we assume that the personality of the corporation is a fiction, the question is made more insistent, What then is the state, which is the author of this fiction?

Is the state, in turn, a fiction or a juristic entity which we treat *as if* it were a real individual with an organic life of its own? This involves the absurdity that a fiction can be created by another fiction. The Romans were clearer than to fall into such an error: the making and unmaking of the *universitates* was the prerogative of the *princeps,* a substantial and living being. It requires a reality of some sort to set up a fiction. If corporations are made by the state, then either the state or some other real being acting through the state must be real.

247. In a higher degree than any lesser group, except the family, the state has the marks of organic character. There exists a clearer interdependence of parts, a completer division of the total labor of life among organs mutually supplementary. The assimilation of every member into the total (national) character is a

conspicuous fact. In their formative years, members are inseparable from the life of the state without mutilation; and they acquire apparent detachableness only when they are so far imbued with its tradition that they carry it with them.

But we cannot say that the organic quality is fully realized in the state: the analogy fails in respects which, in almost every biological type, would be vital.[4] We can only say, within bounds, that the state behaves like *an organism in the making.* It is rather like a disembodied organic principle invading the mass of individuals and struggling to clothe itself with an appropriate equipment of organs for life and action-as-a-whole. In the case of human beings, the growth of the body appears to precede and at times outstrip the

[4] To resume briefly these failings:

(1) The organs of the state-life are not locally distinguished as are those of the typical organic body, nor is there a definite totality of them. The circulatory system is well-marked, and there is a seat of government which might pass for a head. But it remains true that, as in primitive organisms, digestion is everywhere, thought and reaction everywhere. Any fractional region remains capable of developing whatever organs the whole has; may grow a head of its own: while the most definite heads of all are those of the individual "cells." (2) There is no definite life-cycle; no inevitable old age and death; no regular law of development. Reproduction and birth have no exact parallels. A sequence of political revolutions may impose on a given nation a series of lives wholly foreign to the biological world. (3) The state is not demarked from its environment as is the organism. There is about it no empty region: its neighbors are immediately against it. The physical environment of the state is within the state itself, its soil, its air, its resources. And because of this (4) there is no such thing as a normal limit of mass for the body of the state. No doubt a state can be too large or too small for existing powers of organization. But the addition or subtraction of a piece of the geographic exterior creates no such organic embarrassment, not to say absurdity, as the like treatment of an organic body. (5) The autonomy of the units, which enter and leave the inner organs and the whole body at will, if not with impunity, is such as would disintegrate any actual biological unity.

growth of mental individuality. In the case of the state, the unity appears to exist first in the sphere of the mind and only by slow degrees in the sphere of physics.

The analogy of the organism is supposed to lend credence to the belief in the mental reality of the group. In the best instance, it lends but a shattered and distant support. The state resembles the lower organisms far more nearly than the higher; the analogy on its own strength could render probably only a confused and imbecile mentality. But if it is conceivable that the mind of such beings should be in advance of their visible appearance, and the process of history one of the materialization of an existent but imperfectly incarnate spirit, then we should understand the crudity of organic character, but we should be driven to rest our conclusions on the independent reasons for believing in such an over-mind. The organic analogy lends the theory little aid.

iii. *The conception of a super-mind*

248. The human self inheres in something beyond itself; and that something is mental. Is it the social milieu, either in the form of minor groups or in the form of the organized nation?

In our own country, Professors Royce and C. H. Cooley have committed themselves, perhaps, most completely in favor of such a view.[5] Royce accepts Wundt's judgment that certain objects,—language, custom, art, religion,—since they are made by man and yet by no one man, are the work of the human community: whatever produces real effects must be a real author. "The creator of the English speech is the Eng-

[5] C. H. Cooley, *Social Organization.* Josiah Royce, *The Problem of Christianity, War and Insurance, The Hope of the Great Community.*

lish people. Hence the English people is itself some sort of mental unit with a mind of its own.'"[6]

All the difficulties of atomic individualism make for belief in such super-minds. But against it stands a great initial difficulty, that of conceiving what mode of thinking or willing such minds might enjoy. It is fully recognized by these writers that the group-mind must first be made conceivable if it is to be removed from the realm of superstition; and they have done much to remove the difficulty.

They point out that within our own minds there are situations analogous to the situation of such a unit mind to its individual members. Some of our mental states survey, and in that respect include, other states, as when we remember what we were previously thinking, or as when, hesitating between two or more motives, we conceive ourselves in each of several possible cases. Indeed, so far as we know our fellows at all, we develop, as we have been saying, an internal community-character. As our one self is to these many selves, so the hypothetical super-self is to the actual many of the group. And as our own reflective states include our sense data without displacing them, altering them, or needing in any case to duplicate them, so the super-self might be supposed to use the sense-data of individuals' experience without need of an additional sensorium of its own.

William James, who began his scientific life with a strongly marked individualism, came in time to regard that view as a product of abstract intellectualism whose units are unreal. Aided by Fechner, and by Bergson's view of the interpenetration of mental

[6] *The Problem of Christianity*, II, 27.

states, he saw that each single mind is internally compounded into a many-in-one, and was ready to argue that "just as we are co-conscious with our own momentary margin, may not we ourselves form the margin of some more really central self in things which is co-conscious with the whole of us?" Since "the self-compounding of mind in its smaller and more accessible portions seems a certain fact . . . the speculative assumption of a similar but wider compounding . . . must be reckoned with as a legitimate hypothesis. The absolute is not the impossible being I once thought it."[7]

249. I quite agree that if a super-self can be made psychologically intelligible, we need not be too much deterred by the psycho-physical difficulty of finding an appropriate organic basis for its consciousness. But if we adopt the view that this super-mind is the mind of any human group or any set of them,—that the expression "the group mind" with regard to them is more than a metaphor,—we lose the advantage of metaphor in using it, i.e., of applying the conception where it is convenient to do so, and laying it aside where it is inconvenient. We must accept it in all its consequences; and some of these, I submit, are formidable.

a. A real mind will have thoughts, purposes, actions, not identical with those of its members; hence it will have a character or moral quality distinct from theirs, its own capacity for rights and duties, its own responsibility and liability to praise and blame.

If the group-mind can be made responsible in this

[7] *A Pluralistic Universe,* pp. 289-292. James is here thinking not of the political but of the religious super-self. But the conception of the state as a super-mind has been aided throughout its history by religious conceptions. Cf. Jellinek, *Allgemeine Rechtslehre,* p. 146.

way, this is indeed an important datum for jurisprudence, and for the everyday action of men as well. Someone must be the owner of common property, and some real person,—for the subject of rights must be real. Someone must be responsible for common debts and for the carrying out of common contracts. Someone must be summonable into court in case of failure to fulfill common obligations; someone must be liable for damage done by common action; someone must be condemnable and punishable for injury or crime committed by the group. How to identify this legal subject: this is an ancient problem, and a modern one as well.

The simplest solution, common to rude times, is to hold each member responsible for common debt or misdeed; so that if the whole cannot be brought to terms, any member may be seized, and punished or held as security for the performance of the obligation.[8] It is not so long ago that Italy on a similar principle seized Corfu as a 'guarantee' for an assumed obligation of Greece as a whole. But these rude ideas were also capable of making a group responsible for the misdeeds of single members:[9] In the Corfu incident Italy seems to have employed this principle also, which is to

[8] Thus Gierke, *Das deutsche Genossenschaftsrecht*, II, 385: "Die mittelalterlichen Rechtsanschauung erlaubte daher sowohl bei Schulden als bei Delikten einer Gesammtheit, sobald von dieser unmittelbar Befriedigung nicht zu erlangen war, ein beliebiges Mitglied derselben herauszugreifen, zu pfänden oder zu verhaften. Es mochte dann der Genossenschaft überlassen bleiben, wie sie unter ihren Genossen eine Ausgleichung herbeiführen wollte."

[9] As late as 1260, according to Trouillat, II, 722, "die wegen unbefugten Fischens und Holzens auf Klostergrund verklagte *universitas villanorum* de Oheim verspricht dafür einzustehen, dass Jeder von ihr, der das noch einmal thue, Busse und Ersatz geben werde." Gierke, op. cit., p. 387, n. 7.

the effect that as a union for mutual protection, a group would be inclined, other things equal, to abet and shield its members in any conduct not too flagrant, or perhaps even without that reservation, and thus make itself a sharer of his guilt; and that unless it took the alternative, always open to it, of ejecting and renouncing the guilty member, or delivering him over to justice, it must be understood to accept responsibility as a whole. The joint application of these two principles would evidently result in making each member of a group responsible for the misdeeds of every other member, unless one wished to find and denounce the wrongdoer. How little this disposition to 'betray' a comrade could be counted on, where clan feeling ran high, may be abundantly illustrated from Scotch and Irish history of recent times.[10]

This primitive type of justice feels no need to distinguish between the guilty group and the guilty individuals, nor between the guilty members and the innocent members. It proceeded, upon an unavowed postulate to the effect that in a guilty whole there *could be no innocent parts.* In early mediæval Europe, villages, towns, districts might be fined, excommunicated, or even laid waste, for delicts imputed to them as wholes. The bann was commonly pronounced expressly against "town *and* burghers." Time was bound to bring efforts to limit punishment more nicely to the guilty, and especially to determine how to reach the guilty group.

Innocent IV, revolting against the notion of wholesale excommunications, denied the premiss of the whole problem, namely, that groups are capable of crime. And certainly, if they are as he held, fictions,

[10] R. L. Stevenson, *Kidnapped,* gives a genial picture of the spirit of clan loyalty, as it affects clan crimes.

devoid of souls, the dictum would follow: *impossibile est quod universitas delinquat.* But the sense of retributive justice was too powerful for this logic: the followers of Innocent, to this day, have been far more ready to accept the view that the group is a fiction than to excuse it from the consequences of delict. They discussed, therefore, not so much whether groups can do wrong, as *when* the wrong is that of the group, and when that of individual members or officers; and how punishment is to be fitted to the criminal and no others.[11] The juristic mind found relief in a variety of distinctions: there are wrongs done by official action, by majorities, by representatives acting under instructions, by representatives acting without instructions, by members in their private capacity; there are wrongs which can only be carried out by a physical person, such as murder and violence, and wrongs which can be committed by the group itself, there are various degrees of consent on the part of the membership, as of children, or irresponsibles, or the absent, or those who oppose the action; and there are kinds of punishment which can affect the group as such (as fines and deprivation of privileges) and those which can only affect members (as flogging, imprisonment, decapitation). But it was found impossible to devise a way of punishing the group which did not transfer itself to the membership, and more or less indiscriminately. And the quandary remained until the shrewd Bartolus of Saxoferrato made the crowning distinction: that between delicts whose guilt is confined to the

[11] Even churches, it was agreed, might sin: for though it stood as an axiom that "ecclesia non patitur damnum propter culpam praelati," this, it was thought, must refer to the misdeeds of single prelates, not to those of prelates in groups.

perpetrator, and those whose guilt *extends through the group,* as 'from father to son.' High treason and heresy were such crimes: for these it was right that a whole city should be condemned *aratrum pati,* to suffer the plow as had Troy and Carthage of old. Or, the *jurisdictio et civilitas* of a group might be taken away, in which case its members lost their civil rights and became *vagabundi* in the eyes of the law. The exemplary rigor with which Pope Clement and Philip the Fair of France had proceeded against the Knight Templars under allegations of sacrilege and bestiality, not alone against the rich property of the Order, but against the persons of its members, was considered an instance of the principle.[12]

To the individualistic eye this convenient distinction might seem the reverse of an advance and the instance exceptionally unfortunate;[13] but it cannot be said that we have overcome the difficulty. Burke professed himself unable to find an indictment against a whole people; yet modern war with increasing deliberateness becomes an affair of whole populations against whole populations: the group is treated as a joint and several culprit. The futility of denying the existence of an agency which was powerfully affecting the community had much to do with the ultimate recognition of the trade union in England: whatever *strikes* is real,—such seemed to be the common sense of the matter. So to-day the corporation is an agent whose responsibility we must fix: those who say that 'corporations have no

12 Gierke, *Genossenschaftsrecht,* III, 409. Cf. H. Finke, *Papsttum u. Untergang des Tempelordens.*

13 The historian Döllinger said of it that "if any day of European history deserved to be called *dies nefas* it was the 10th October, 1307," the day when the Templars were thus attacked in France.

souls' mean to imply that they have souls, but of an unscrupulous sort. Instead of arguing with Pope Innocent from the circumstance that such groups are not mentioned in scripture as beings to be saved to the conclusion that they have no minds and can commit no sin, we are rather prone to argue from the experiential certainty that they can commit sin to the reality, and hence the liability, of the mind behind them.

But I press the question: what precisely is this experiential certainty? Its core is that a wrong has been done, and that the wrong emerges from the group: it is not that the group *per se* is its author. If our canonists and jurists had succeeded in finding a way of punishing the group without punishing its members, this same sense of retributive justice which rejected the theory that groups can do no wrong would have assured them that the real culprits had escaped. Whatever type of reality you attribute to groups, if you ascribe to them a moral personality distinct from that of the members as these are from one another, you commit yourself to finding a type of punishment for its delicts from which *no human individual need suffer;* and this would be indistinguishable from no punishment at all.[14] The moral sense would be outraged hardly less than by the primitive indiscriminacy. On this ground it has been said that wherever you find a person attributing personality to groups, there you find one who wishes to escape responsibility. The statement is too sweeping, but that an actual evaporation of responsibility must logically ensue cannot be doubted.

250. b. Again, a real mind will be capable of pleas-

[14] Cf. E. A. Ross, *Sin and Society.*

ure and pain, joy and suffering; hence it will be a necessary object of humane consideration, beyond its imputed rights of property and contract. It would be at least a putative subject of the rights of life and liberty. The creation and destruction of groups would take on a gravity comparable with that of the causing of birth and of death.

As applied to the more intimate relationships, Royce did not shrink from this conclusion: disloyalty to a friendship is a dealing of death to the 'we.' And that group-life ought to be encouraged and protected is certainly a widespread feeling. The long struggle for the right of association is analogous to the struggle for individual rights of life and liberty. The traditional right of the prince to dissolve *collegia illicita* was seldom held to imply a right to dissolve any group at his whim.

Yet, if groups are minds, the ease of their multiplication and destruction is appalling! We should have to recognize the marks of group-entity in simpler and more transitory groups as well as in the more pretentious and permanent; lines would be hard to draw; wherever two or three were gathered together in the name of some common interest we should perceive or suspect the mystical presence. And since the number of groups actually formed within any modern nation far outnumbers its population[15] we should be forced through the sheer impossibility of considering them all as subjects of possible suffering to fall back upon

[15] Consider that the number of possible groups among any number of individuals greater than three begins to exceed the number in the group by a factor which rapidly becomes vast—among six persons, forty-two different groups are possible,—and that if each person were to make but two friends in his life there would be as many groups of two as individuals.

our present care-free practice of considering none in that light. The burden on finite intelligence and sympathy would be comparable to that of attributing high sensitivity to the entire vegetable kingdom.

251. c. In the most stable groups, such as nations, the deeds of the group vary in intelligence and morality with changing rulers and administrations. If these are ascribed to a distinct and identical personality, it must be one strangely hampered in expression by the individual tools it employs.

The existence in history of persistent national tempers may be granted, such as von Treitschke had in mind when he exclaimed, "Can we think of the Romans as cultivating art and humanity? Can we think of the Germans without weapons?" Without subscribing to these particular Denkunmöglichkeiten, we may acknowledge a pride of policy in any great historic people such that any lowering of the morale of public action by individual administrators provokes public revulsion. The 'deeds of the state' are products of the variable elements with some relatively constant factor, which is the national mind.

But the national mind, on this showing, *is not the sole author of any deed:* it appears to dwell in the minds of statesmen as an influence to which they are more or less open rather than as a distinct being capable of autonomous thought and decision.

252. For this reason, and because of the other consequences we have mentioned, I cannot accept the hypothesis that groups are minds, numerically distinct from the minds of their members. Admitting all that

can be said of the incompleteness of the individual without the group, we can neither reduce the individual to a mere transmitter of the universal life, nor place the authorship of group deeds outside his consciousness and selfhood. If, finding that the individual voice comprises a chorus of other voices, we identify him with that community, we must make each of those other voices, in turn, an echo of many more; so that the individual becomes in the end a mere echo of echoes with no original sound to begin the series, hence in all consistency a pure nothing. If we say that the group deeds which he must execute are not his, but those of a super-mind, we make him a tool of a power which evades human reckoning and control. Gierke regarded it as a token of the richness of the old German conception of personality that it was thought of as divisible, so that it could part with some of itself for the building of a higher *Gesammtperson;*[16] but the true dignity as well as the wealth of personality consists in the power to *retain within the circle* of its own selfhood and responsibility those thoughts, decisions, and acts which it undertakes in the name of its group, and so distinguishes from its private acts. Group deeds are deeds of individuals, and the minds behind them are individual minds.

But the difficulties of building a unitary group life from such individuals are not banished by the impossibilities of group-realism. And the habit of personifying the group-entity seems to me neither fanciful nor groundless. Lecky's words remain valid:

> All civic virtues, all the heroism and self-sacrifice of patriotism, spring ultimately from the habit men acquire of re-

[16] *Genossenschaftsrecht,* II, 40.

garding their nation as a great organic whole, identifying themselves with its fortunes in the past as well as in the present, and looking forward anxiously to its future destinies.

We must do justice to this motive as well as to whatever is true in our individualistic bias. How this is to be done I shall now try to propose.

CHAPTER XXIV

WILL CIRCUITS

WE must take our beginning once more with the fact that human individuals are not self-sufficient monads. This fact has been taken to imply that they inhere in society as in a higher organism. If this inference is, as I think, too hasty, we are bound to consider what this fragmentary character of the individual does imply; and we may begin by asking how it makes itself good in the ordinary course of living.

We have seen how, in order to be fully itself, the intellect, like the body, needs to take in much of the outer world, the world of its objects. Let us extend this observation to the self of will and habit.

Consider the round of activities that belong to the life of a single instinct and its allied habits, such as the food-getting instinct of a human or animal hunter. These activities will lie within a roughly defined region, and will follow a more or less regular routine. For the habits of the hunter must be built upon the habits of his game, those of the fisher upon the habits of fish, etc. Just how and where the particular victims will appear is unpredictable; but the kind of situation in which they may be expected is known; hence the series of objects that make up the path of the prowler is relatively constant and recurrently used. They become identified with the life of instinct, and are regarded by the food-getting creature as his *own* in a

sense only more attenuated than that in which he regards tools or weapons, claws or teeth, as his own.

What is true of food-getting habits is evidently true of others: every instinct has to make use of some 'external' objects, has to make its home in the world, and what is at first but accidentally related to it becomes indispensable to its activity. So to the mechanic his particular bench and tools; to the writer his workplace, his equipment, and for the time the characters of his book; to the farmer the familiar acres, utensils, stock, and seasonal routine;—all these become part of the persistent body of an enlarged self. They involve excursions beyond the original self, yet they belong to the self: deprived of them, the instinctive functions would be interrupted much as they would be interrupted by the loss of a limb.

Now a limb belongs to the body because it is held within the vital circuits of the body, its nutrition, elimination, sensori-motor arcs, etc.; similarly, these recurrently used external objects are included in vital circuits but newly established and farther flung. Such extensions of the self of will and habit we may therefore refer to as *vital circuits* in a generalized sense, or specifically as *will circuits*.

254. A vital circuit need not be exclusively the property of one individual and his wishes. A group sharing the same hunting ground, a gang of workmen on the same job, partners in the same business, have vital circuits partly coincident; as their intellects meet in terms of certain objects, space and its contents, which are identical for all, so their wills find a region of actual coincidence in the objects of common concern and use.

It is not the existence of the same instinct in different persons that makes their vital circuits coincident. Hunters in different regions have similar impulses; but there is no fusion of their wills. This fusion requires *identity of the physical objects used,* and this is commonly brought about by limitation of the physical supply and by propinquity of the users. If in a group of nine boys there is a unanimous wish to form a baseball team; and if in the group there happens to be one bat, one ball, one mask, one mitt, etc., the prophetic eye need hardly sharpen itself to see nine vital circuits falling into a coincidence shaped by fate. Universal needs alone do not bring men together, but when universal needs conjoin with the presence, commonly accidental, of a set of objects necessary and available for the vital circuits of each, they are likely to determine a vital circuit for all.

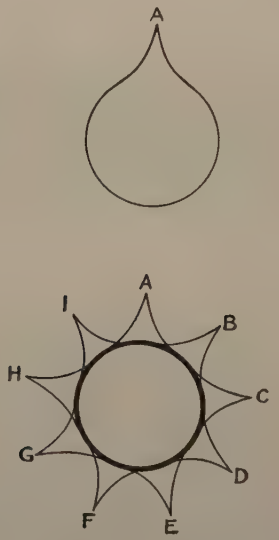
255. In the case of the baseball team, it is not alone the material property that establishes the vital circuit. Each player requires not alone the ball and bat in order to satisfy his thirst for ball; he requires the other players. They become integral elements in his vital circuit.

And the relation is usually mutual. He is a part of the vital circuit of each of the other eight. And for any two members of the group, A and B, the others C, D, E, etc., fall with the physical properties into the coincident parts of the circuit.

There is always a part of such mutual circuits that is not coincident: A and B cannot use the same bat at the same time, nor can they hold the same position in the team, nor have precisely the same shade of concern in each play. But as the number of participants, the

amount of physical property, and the time of joint activity grow large, the ratio of the coincident to the non-coincident parts of the circuits becomes indefinitely great, and it would be accurate for most purposes to speak of them as simply coincident. We have now to note some of the properties of these coincident vital circuits.

256. As the number of participants becomes great, the circuit itself seems to approach autonomy, and to impress not alone observers, but the participants also, as having a life of its own, other than their own lives. This characteristic is suggested even to the eye in such a schematic symbol of the situation as the accompanying diagram.



Individual will circuit and coincident will circuits, showing how this union of selves appears to give rise to a group-self.

Any work men undertake tends to set up demands of its own which hold a certain sway over their wills as from outside. What they begin, they wish to finish; and the work itself determines when and how this is to be done. A work undertaken in concert with others has this independent character in still higher degree; for one is bound by the conception which the other wills have formed of the end to be reached: a game of solitaire one may give up at will, a game of chess less freely, one's part in a crew of racing oarsmen only with friction and reprobation. So it is also with occupations which consist of continually renewed enterprises, and not of one common effort, the trades and professions: each such activity is accompanied by a tradition of its own worth, invites the sinking of unlimited energy in improving its practice, clamors for sustenance as if it were a separate self. The mere fact that the life of other wills is flowing through the circuit tends to draw my will into it: I am impelled by all the silent arguments of suggestion and authority to look upon that activity as something which ought to be carried on, which *ought to live.*

257. And in fact the vital circuit *is a living thing,* not a mere abstraction or fiction. It is living in the same concrete sense as is the limb which it resembles: and the suffering and loss of energy which occur when a limb is severed are also experienced when the vital circuit is broken or destroyed. Life is by so much diminished. The value of selfhood becomes transferred to the vital circuit by the same logic as that which shows itself in the turn of speech according to which one who hurts my hand hurts 'me': because one cares for selves one must care for the integrity of whatever forms an

integral part of their lives. He who injures a vital circuit injures a self.

258. Coincident vital circuits have thus an individuality of their own, affect the wills of their members as *an other will* to all of them, are alive with a verifiable life exhibiting itself in experience of pain when injured, and so develop a definite self-preservative tendency. These properties make it possible and convenient to regard the vital circuit for many purposes as an actual will or self, make it inevitable that language should attribute to it a kind of derived personality.

But seeing how the resemblance is produced, we see at the same time that the vital circuit *is not a self*. The only selves present are those of the participants or members.

The properties which we attribute to the whole as distinct from the individual members are in reality to be found in each of the members severally. This is possible because the members are minds, and not physical things or organic cells; for minds have certain powers which no other entities enjoy. Thus, minds can *include each other*. If box A includes box B, then box B cannot include box A: but mind A can take in mind B, while mind B is also taking in mind A, and much beside. And further, in the world of minds, *the part can include the whole,* and is continually engaged in doing so, however partial a member it may be of any whole to which it belongs. Consequently, whatever qualities the group has are qualities which each member is aware of, when acting with the group. When hydrogen and oxygen unite to form water, the atoms as such do not possess the qualities of the liquid, nor did they possess the

qualities of the gases that preceded the liquid state. But when minds unite to form groups, they are themselves conscious of the difference in their own mental operations. Unless they themselves knew that groups have different tempers, powers, and behavior than those of the members apart from the groups, no outside observer would be able to convince them of the fact. The qualities of will circuits are thus inseparably affections of the minds involved in those will circuits.[1]

The capacity of the individual mind for making itself a community of represented minds, without assignable limit, has been frequently taken as a justification for regarding the group, by analogy, as a self, since it also is just such a community. But it is this

[1] It is true that in every such will circuit, there is immediately set up a process of mutual accommodation which makes it "an organized system of mental or purposive forces"; and this is Professor W. McDougall's definition of a mind (*The Group Mind,* pp. 13, 66). But since McDougall himself intends to reject the assumption of a collective consciousness it would seem better not to court the confusion which must come from speaking as if there were a single and distinct subject of mentality for the group as such.

In holding to the reality of the group mind McDougall is governed in part by the conviction that mind need not be conscious. But granting that there is a subconscious limb of mind, so that mind and consciousness are not coextensive, it does not follow that a subconscious mind can exist by itself. We have no empirical grounds for assuming subconsciousness except as filling out gaps in a whole whose focus is conscious, much as we fill out unperceived portions of physical nature by the demand for continuity with perceived portions. The ground for the appellation 'mind' lies always in the conscious focus, not in the subconscious supplement. The concept of subconscious mind affords therefore no foothold for that of a group mind whose center as well as periphery should be subconscious.

And since the qualities of the group are *known* qualities, appearing in the consciousness which each member has of the group when in the group, and constituting for him what we might call if we like *his* 'group consciousness,' the assumption of any other form of group mind would appear otiose.

very capacity which makes the assumption of the group mind superfluous. And if it is superfluous, then to fill the universe with that plenum of intermediate beings between man and God becomes little other than a superstition, a source of confusion to mind and feelings alike.

259. It is worth observing that a mind can *mean* far more than it can *image* or *think*. It can mean, for example, to act with another mind, and so to endorse what the other mind may think and will, however little it may be able to fathom the devices of that other mind. The least in mental scope may in this way mean to think with the greatest, and, so far, the horizon of the greatest is included in his horizon.

One may *mean* an identity of will with persons whom he has not so much as thought of individually, as the children of Israel mean to be coworkers with countless unknown others in the patriarchal purpose: each one is Israel in intent, and in their collectivity they are by this common intent, still 'Israel.' Similarly every testator leaving funds in trust reaches forward in intention to minds whom he will never concretely touch, and calls confidently on them to mean what he means by his bequest, even if they change all the pictures which he regards as fitting to that meaning. His trustees must become his Israel.

This kind of identity from generation to generation is not like the identity of an individual which maintains itself as it were biologically without conscious effort, through the presentations of memory. It is an identity that must be made by each individual will in its effort to achieve continuity of meaning with its contemporaries, its predecessors, its posterity. It is

thus not an over-individual self; it is reborn in the fidelity of every generation of selves. Its security of continuance does not lie in its own substance; it lies in the fact that the desire to create this continuum is for every mind of man a *necessary desire.*

260. What does this general theory of social groups as coincident will circuits imply as to the nature of the state?

If all the stable wishes of men tend to establish vital circuits, the total will to power will presumably require one of its own. The whole will of man is not provided for by providing for its several fragments: its circuit will not be a mere hodgepodge or imagined totality of the rest, but a distinct launch of will which helps to give them a certain unity, proportion, and place. The will to power, like the food-getting instinct, needs its physical objects, its territory as habitat and scene of action, its 'nature' as source of supply. Since each such will can be satisfied only by finding its place in a more or less developed culture, each requires *the whole domain* which such a culture must occupy: its circuit can be established only if many wills coincide. And since each will needs all the others, not alone as sources of self-knowledge through law and of permanence through force but as constituting the very receptacles for the ideas in which one's power is vested, the circuit must include this multitude of neighbors, their predecessors and successors, as well as the physical domain common to all of them.

Our hypothesis is that *the state is the circuit required by the will to power of each member, coincident for all the people of a defined territory, and including them.*

The mental structure of the state is similar to that of many another coöperating group, as to our group of ball players. But it has peculiarities which are due to the peculiar structure of the will to power and its position in human nature. The will to play ball is more or less at fancy; the will to power is inevitable and universal. The will to play is intermittent; the will to power is incessant. The will to play may or may not help others to play; the will to power can only win its ends by helping the same ends of others, i.e., it makes the type of environment in which other wills to power can find their way.

Thus, while the will to power is incessant, and undertakes an endless task, its structure promotes the fulfillment of that task. For, as Professor Whitehead has finely pointed out, when you have an entity which, like the trees in a Brazilian forest, provides by its own growth an environment favorable to the growth of others, you have an entity whose type is most likely to survive.[2]

To conceive the state in this way, as the coincident circuit of the wills to power of a people, aids, I believe, in solving a number of the standing problems of political philosophy.

261. It explains why the universal need calls into being not a universal state, but a number of those irregular and tenaciously individual entities called *nation-states.*

For beside the universal will to power, the same in its general conditions in all persons, the circuit involves the local individuality of the domain, the geographical character which permeates every deed of the

[2] *Science and the Modern World,* p. 289.

general will. It involves also the time-individuality of its history-making action, an activity which deals uniquely at every moment with unique data. The material conditions of action must be taken as the facts provide them, always accidentally related to the will that adopts and uses them, and yet necessary to it if that will is to act in time. The will of the state is a general will, but it is not will-in-general: it is a will to secure the destiny of the will in a definite area and by definite deeds. It is the will of a nation.

262. It explains, further, why we cannot conceive of the state as the result of a contract entered into by men-in-general, or by such men as are able to achieve a happy agreement on terms of union, leaving the others free not to enter.

For it is these men, these who are now on the ground, that must agree if any are to find the way of their wills: all or none must come into the group. A given plot of ground cannot at the same time be used as a ball-field and for general public strolling. Still more definitively does the obligatory game of state-action preëmpt its territory, since the very notion of a public order becomes void unless it applies to all. And the domain once taken for such joint enterprise, as an unending enterprise, it can never thereafter admit any character inconsistent with it: it is thenceforth defined as the place where we, its inhabitants, seek together our wills to power.

263. But especially this hypothesis explains how it is that the wills of the citizens of a state constitute a genuine unity without fusing into a mystical and inoperable corporate personality.

It is a genuine unity of will, and not simply the similarity of the wills of the members.[3] Our ball players are not simply alike in their tastes: they are playing identically the same game. It is not that you and I as fellow citizens have similar territories,—we have the same territory. It is not that we take part in similar histories,—we are immersed in the same stream of history. There is but one set of deeds which qualify as the deeds of our state: in that set of deeds our wills actually overlap. What we have here is not likeness in plurality; it is unity in plurality.

For the same reason the state is something more than an *idea or principle* which its members have in common. Idealists of to-day are inclined to fall back upon this solution. "Perhaps," says Ernest Barker, "perhaps the identical is neither a real person nor a nominalistic fiction";[4] what, then? Perhaps this identity resides "not in any single transcendent personality, but in a single organizing idea, permeating simultaneously a number of personalities," a view in which Professor Muirhead seems to concur.[5] But surely the will of the state is not merely the public acknowledgement that my general principles are the same as your general principles. The will of the state includes such an acknowledgement: it externalizes the "better reason" of both of us. But the will of the state is a particular will, carrying out definite undertakings. It is a woven totality of wills which are doing the same thing;—having the same idea, to be sure, but embody-

[3] L. T. Hobhouse is inclined to accuse believers in the General Will of mistaking the likeness of different wills for their identity, or of confusing identity of character with identity of continuous existence. *Metaphysical Theory of the State,* pp. 62 ff.

[4] "The discredited state," *Political Review,* May, 1915, p. 111.

[5] *Mind,* October, 1924.

ing it in a specific and growing purpose. The General Will is not merely the judicial arbiter; it is an active and concrete reality, its commotive processes (which are particular) carrying its universal principles with them.

On this ground we can understand how the state attains, not only an over-individual character, as an externalized reason might do, but also a growing appearance of personality, and without actually being a person. The number of will circuits which coincide in it is large; and its stable material elements tend to accumulate. The circuit will include whatever property this enduring 'we' acquires, its routes of travel, its public works, its treasures, its specific history. This present is perpetually becoming *its* past. And as this past can never be the past of any other group, it is only this particular 'we' that can carry on political life on that base. We cannot drop out of the projects of those past minds into whose circuit we are born: it imposes the expectation of its continuance upon us. The state thus appears to each of us as an external being, having a will of its own.

At the same time, it is still we, the individual members, who are the realities. The tie between these members and the tie of all of them with the past and the future resides in each several individual who enters the state, not in any sundered over-mind. The state exists only so far as its circuit is actually used by the will life of its extant members: it lives only so far as it is thought, meant, and reaffirmed by them.

264. We understand, finally, how responsibility in group action rests upon every member of the group. It is a problem of procedure, not of theory, how the vari-

ous members of a large and scattered group are to be made answerable for the actions of the whole. But once the theory is clear, the procedure becomes a matter of legal ingenuity.

The state is in the same case with other groups in this respect. As a human artifact, the state will be what its members make it: in it they build their earthly Providence. They accept the benefits inseparable from its existence; they accept therewith an individual responsibility for all that the state does, for better or for worse. They cannot wholly extricate themselves from complicity even in the crimes which a government, without their vote or against their protest, commits in their name.

Our ears still ring with the stirring words in which Tolstoi essayed to repudiate his share in the Russian state because of the execution of twelve peasants without trial. Yet neither for that crime nor for all others could Tolstoi disavow his will to work out with the Russian people an historical destiny which, in spite of his theories, required some form of state; hence his repudiation remained a noble gesture, not an effective fact. When all such as Tolstoi recognize as he did that the deed done in their name stands as their deed; and when all such as he thereupon renounce such deeds; then will they be repudiated in deed and in truth, for they will be repudiated through the state. For those deeds, I repeat, are ours; and to attribute them to a super-mind removes them at once from the only province in which they have a promise of cure.

265. There is, indeed, an over-individual self, more real than men; but it is not the state.

The conception of coincident will circuits does noth-

ing to make clear to us how a meeting of human wills is possible: it simply assumes, with all experience and common sense, that it *is* always possible for such minds as find themselves sharing the same planet, to make common cause. But this leaves untouched our argument that this everyday process of 'finding themselves sharing the planet,' together with every mutual understanding growing out of this discovery, implies that these selves have always had some region of unity, or identical experience, known to be such.[6] This aboriginal core of unity must be prior to all social relationships: it cannot be any result of historic achievements; it cannot be the state. It is an object not of social but of metaphysical reflection; our practical dealings with it are matters not of politics but of religion.

As contrasted with this metaphysical super-self, the state is a product of the human will. Man makes it, to be sure, in the image of his god, endowing it with powers to protect him, to answer many of his prayers, to lift him into a better condition of mind, body, and estate, to serve him on his way to immortality by making possible an historic counterpart of that metaphysical attainment. Yet the state remains a pseudo-deity, not necessarily mortal, as Hobbes has it, but certainly finite and artificial.

The religious unity of men thus lies far deeper than their political unity: the given deity precedes the made deity. It is as important to distinguish them as it is to see their connection, and particularly important at present. For men are always more widely conscious of

[6] See § 241 above. For development of the argument that the meeting of minds implies a primitive unity or a super-self, see my book, *The Meaning of God in Human Experience,* Part IV.

the fact of underlying unity than they are of its nature: and in proportion as they lose their grasp of metaphysical reality, they incline to recover their loss by making gods of social groups, of 'society,' or 'state,' or 'humanity,' to the boundless confusion of political theory, and to vast practical losses in terms of liberty, as will appear in due time.

266. Are we to conclude, then, that the state, since it is no super-mind, is no end-in-itself, but a means to the welfare of its members?

The state, we answer, has no value which is able to subordinate, and so on occasion to defeat, the welfare of its members. They owe nothing to it as to a superior order of being. Having no separate selfhood, no capacity for enjoyment or suffering, it has, literally speaking, no 'welfare' proper to itself: *there is no welfare in the case except their welfare.* Statolatry we can dismiss as having no shred of sense.

But this is far from saying that for any one member the state exists only as a means to his private ends. Unless the other individual lives, whose welfare and perfection are involved in that will circuit, are nothing to him, the state must hold something of their dignity in his eyes. Even though it were only man in all the universe that could stand as an end-in-himself, it would not follow that any man could so stand alone. Our conception of the vital circuit implies that no man can have worth to himself, i.e., can gain the selfhood that has worth to him, without breaking into and including his own concern the circuits of many other wills. Allow that truth in the abstract and justice in the abstract are not eternal values shining by their own light; still *just men,* and men in whom truth and

beauty have their due rule, are objects which it is worth the travail of history to produce, and no man can get 'welfare' for himself who refuses to take part in that labor. If the state is inseparable from the age-long effort to bring such men into being, that 'individual' of ours will have no course but to value the state as he values his own happiness. The state embodies no realized perfection except the will to realize perfection; yet in this respect it is nothing less than mankind in gestation with the better mankind to be. The state is not, but has that in it, which the individual is bound to serve with his life.

CHAPTER XXV

ANARCHISM AND CONSENT

ACCORDING to the theory now before us, our wills are all included in the general will circuit we call the state: they are included without any prior contract or consent; and yet they remain responsible for what the state does, as if they were free. This is either a contradiction or—a paradox!

The element of obvious unfreedom in the situation is aggravated by the defective quality of those deeds of the state in which we are supposed to join, deeds often unwise, occasionally unjust, at times wicked. The realistic eye which we must bring to all political theory discovers everywhere the absence of the alleged vital tie between what I will and what the state does,—not unfrequently whole majorities in dissent, from the helots, slaves, churls of former days to the legally outwitted and impotent masses of to-day. Are the deeds of the state in any sense a part of the circuits of *their* wills? And beside these, there are the philosophical anarchists whose questions we have not yet answered, the anarchists who refuse their consent to any state, and to whom the notion of an enterprise in which all or none must join is the essence of the thing human beings ought to revolt against. The anarchist may speak for all these objectors. Where there is no consent, there can be no will.

268. There is no doubt about this absence of consent

to many a state deed. But note that we have not been assuming consent to particular state deeds or laws, nor for that matter to the existence of any particular government. What we assert is that there is no one who does not want *the state,*—if not the state here extant, then some other state including these people. Whatever the defects of any given state may be, they refer us for their remedy to state-action, never to the stateless condition.

Our will toward the state is seldom one of wholesale approval, no more is our will toward our parents; and the same reflection is in order which Epictetus urged,—"Did heaven owe me perfect parents?—No; it owed me parents." There is a distinction everyone learns to make in childhood between the will to play and the will to have my own way when I play. The ultimatum-temper, "I wont play unless it can be thus and so," is generally discovered to be poor building material: one should be able to maintain consent to the game together with dissent from its methods. In sterner affairs there is always a place, no doubt, for the uncompromising policy which demands "the best or nothing" or "rather no law than bad law"; but such a policy implies that one can distinguish in thought (because one refuses to distinguish in practice) between the will *that* a thing be and the will *what* it shall be. In our present case we must make still a third distinction. We must distinguish:

(1) the will toward a particular law, deed, or policy;

(2) the will toward the existence of the present state;

(3) the will toward the existence of any state at all.

And our position is that unless there is something incurably and hopelessly pernicious about particular

deeds and laws, the real issue lies in the third point; and I should hold that in all cases this third layer of the will is necessarily affirmative, i.e., that the existence of the state *per se* is willed.

269. The ground for this position is simply the fact that a science of psychology is possible.

For such a science assumes that it is possible to make some general statements about human nature, including the human will. And to make a general statement about the human will (as that human beings have innate dispositions to fear or fight or find food) is to say that there are some desires which it is not within our power *not to have.* And if there are any such desires, then, since it is necessary to have them, they are universal,—or to put it otherwise, unanimous.

Now most psychologists to-day are inclined to attribute to the human being a large array of innate propensities. My own judgment would be that most of those which occur on such a list as that of William James appear at least temporarily in most persons, but that few of them can be said to persist through life and to be incapable of repression or transformation. That character belongs to only one instinct or disposition, namely, that one which must furnish the motive power for all such repression or transformation. The will to power, as we have defined it, would be in that position. All men have it, and always have it. And the will to power requires the state. *The will that the state exist is therefore a unanimous will;* and this proposition is independent of introspective impressions to the contrary. To include everyone within the state does no violence to the will of any individual, so

long as it remains possible for him to act against the particulars to which he objects.

270. By the route of psychology, then, we discover that fundamental unanimity which, as many political theorists have held, must precede the right of any government, democratic or other, to impose its will upon the members of the state as "their" will. Majorities, as Rousseau clearly saw, have no natural right to dictate to minorities; whatever plan of reaching public decisions is agreed upon "presupposes unanimity once at least."[1] This unanimity is not a diplomatic achievement: it is a deliverance of human nature.

Rousseau attempted, as we have done, to unite consent with necessitation: the members of his state, if they failed to recognize their own wills in the terms of the contract or subsequent legislation were to be "compelled to be free." But consent can only be joined with necessity by way of a universal and unalterable element of the will, i.e., a characteristic of human nature such as we recognize in the will to power.[2] The affirmation of the state is deeper than conscious acquiescence, deeper also than fear, deep as the instinctive sense of the necessities of personal growth.

271. Let me remark in passing that this fundamental unanimity is not sufficient to establish the principle of majority rule.

Consent to the existence of the state carries with it

1 *The Social Contract*, I, ch. v.

2 Jethro Brown is right, so far as surface-psychology goes, in saying that "the justification of governmental action is found not in consent but in the purpose it serves"; but to identify a necessary purpose is to discover an inevitable consent, which may belong to the deeper layers of self commonly called subconscious.

only what is necessary that the state exist. To exist, it must be able to act; and to act, it must be able to reach decisions; and to reach decisions, the control by a majority is a convenient, but nowise indispensable, expedient. If one is seeking the preponderance of wisdom, rather than of force, and is not held within an artificial assumption that wisdom is equally distributed in the community, there are other and simpler ways known to politics of reaching decisions of state.

But whatever the machinery of decision, since it is to establish a deed which is the deed of all, the test of its rightness is an *eventual unanimity of approval.* No present majority, however large, can evade this ultimate test. The American Civil War, for example, will be justified, as a forcible majority decision, only if its main object, the maintenance of the Union, is eventually approved by the South as well as by the North, a condition which is approaching fulfillment.[3]

Unanimity at the beginning and at the end are the marks of a healthy and essentially free state; how the decisions that lie between are to be reached is a matter to be judged by this standard.

272. The anarchist may reasonably reply to our argument that it is not enough to will that the state shall exist. All actual states are particular states, and have their life in particular deeds. If these particulars were all infected by some inherent and radical vice, the will that the state exist could not, as an abstraction or pious hope, long continue to live by itself.

[3] Rendering patently unfair the type of criticism implied in the words of Laski: "the problem of authority may ultimately resolve itself into a question of what a section of the American people, strong enough to get its will enforced, may desire." *Authority in the Modern State,* p. 25.

There is substance in this contention. There is a tendency for common deeds to be mediocre deeds, if not vicious deeds. It is notoriously hard to maintain a high standard in any crowd; you must not be conspicuously better than your comrades; you may attack the vices of the other party, not those of your own. Further, you must accommodate yourself to the incidents of organization, whose dehumanizing tendencies we have mentioned (§ 61, above). All organization, according to its extent, involves hierarchy, with rank-and-file, middledom, and overdom; and in every such ordering of men the integrity of will-impulses is falsified. It lies in the nature, not necessarily in the intention, of the middledom to be a misleading screen, a lying filter, both of facts and of desires between the rank-and-file and the overdom. The will that finds itself enacted in the vital circuit of any large group is a distorted version of the wills of its mass of members.

As the largest of corporate undertakings, government cannot but suffer most from these defects. By its immense momentum and the irrational elements in its connective tissue it discourages aspiration. Genius dies in its meshes; the output of government, both in tangible works and in character, bears everywhere the stamp of conventionalized mediocrity. "The history of the growth of the state, of public authority and compulsion, is the history of the decline from Florence and Nuremburg to London and New York."[4]

The conviction deepens that these vices are inherent in state action. The result is an alienation from politics on the part of growing numbers of the '*élite*,' as from an unclean thing; and a strange rapprochement be-

[4] Lowes Dickinson, *A Symposium*, p. 55.

tween these world-fleeing idealists and the disillusioned anarchist.

273. If there were no other outlook we should be left with the choice of two evils, abandonment of the will to power in its fully personalized meaning, or submission to its perpetual vulgarization and corruption.

Even so, the will to power cannot be given up, and organization cannot be given up. No man, not even a religious ascetic, can be content with a parasitic relation to the history-making work of his community. The life of meditation, well-justified as it is, must alternate with activities of the economic and defensive orders, if only to renew its own vigor. Any man or people that seeks a spirituality which requires a neglect of organized effort in the mastery of nature and social construction abandons, if we are right, one of the roots of an honest spirituality. There is no life immune from the incidents of establishing the frame for the will to power in the dust of fact, human fallibility, and passion.

And if it were possible to set up such a pure and sequestered life, there would be the less reason to complain of those who besmirch themselves with the abandoned activities of the state. For if the world-fleer can forget politics, he can forget who it is that pursues politics. Preëmption by others of a rejected function can be no evil to the one who has rejected it.

274. But to despair of organization and yet to believe all things of individual human nature, as the philosophical anarchist does, is arbitrary.

The circuits of organized life impede and distort the will-impulses of the members: very well,—then we

have a problem in social conductivity. We demand that this distortion shall be minimized, that it shall be cured. How is this to be accomplished? That is the great field for political invention. One such invention is before the world. Democracy, as a political scheme, boasts a great advance in the conductivity of will-impulses; the will of the people pours immediately into the circuits of the state,—so it is claimed. We have to examine this claim. But whether the future is with this invention or with some other, those who have no ideas to offer are hardly justified by that fact in denying that the solving ideas are possible.

For the evils which organized social life brings, organized social life may find a remedy; for the ills which attend anarchy, anarchism has no cure.

275. The philosophical anarchist is wholly right in his solicitude for the individual will. What he fails to see is that it is the very nature of these wills which welds their circuits together in an enforced unanimity of action for objects which they could not attain by themselves. The state lives from day to day by only so much consent as they send into it; its whole energy is drawn from the force of their demands; there is nothing in its nature which can stand in contradiction to them, nor in permanent divergence from them.

But beside the philosophical anarchist, there is the practical anarchist, a far more numerous class and found for the most part in very different quarters. Practical anarchism directly attacks the existence of the state by menacing its power to act. As a will circuit, the existence of the state is a matter of degree: it exists as much as it can act. That power to act can be reduced to zero—for most modern states have a low

resultant energy—and the result is not a state but a swarm of competing powers, no one of which is strong enough to bring the wills of the people together into a living circuit. It is by no means an axiom that a community must be capable of united action. It is not certain in advance that in a state distracted by faction a cabinet can always be found which will command a parliamentary majority. At the moment of this writing (November, 1923) it is not evident from day to day that Germany will be able to devise a public policy which will command assent either within or without her borders.

Now there are always those ready to exploit this low margin of functional energy. In our own country the balance of internal powers creates a situation in which deadlocks are always possible, while minorities and filibusterers exact their price under the threat that no action shall take place. To such wills it is "My policy or none": these are the practical anarchists. A nation of such wills would end in chaos.

But while 'rule or ruin' seems to imply a willingness to accept ruin, it is like the usual temper of suicide, a perverted form of the will to live, essentially self-contradictory. It relies on the unwillingness of the great majority to let the state fail; it shares that unwillingness. Its pretence to prefer no deed, and hence in the end no state, to the deed of its momentary opponent is essentially insincere.

The amount of this perversity increases. It is necessary to recognize it for what it is, the only variety of anarchism at all likely to lead to anarchy.

CHAPTER XXVI

PLURALISM AND SOVEREIGNTY

IF there are relatively few who are inclined to deny the right of the state to exist, there are many who doubt its right to monopolize authority or to hold the position of paramount arbiter among the many powers which naturally grow up in a modern society. To these the political pluralist, whose position we stated in the sixth chapter, speaks with the voice of the liberator. "The state is only a species of a larger genus . . . churches, trades unions, and a thousand other associations are all societies. They *refuse absorption by the state,* and thereby raise, sometimes in acute form, the definition of their relation to it."[1] It is the pretence to ultimate and absolute right involved in the claim of 'sovereignty,' which these critics summon the state to abandon. This position of the pluralist, chiming in as it does with all our tendencies to pragmatic and relativistic views, is doubtless the most appealing of the political philosophies of to-day; we have now to meet its questions.

277. These questions center, in part, about the conception of sovereignty. The very word is reminiscent of monarchical arrogance; but like all cardinal conceptions of political theory, it has become excessively ambiguous in the course of centuries of debate. The way

[1] H. J. Laski, *Authority in the Modern State,* p. 27—italics mine.

to clearness, therefore, cannot lie in any such instinctive horror of the specter of sovereignty in human form as we find in Constant[2] and Guizot,[2] the mental ancestors of contemporary pluralists, but in making explicit what we cannot accept in the meaning of the term, in order to uncover what we can still mean by it. One may very well deny to the state the sovereignty described in Blackstone's thunderous words[3]—from which pluralism has largely taken its fright—and yet require for it some such sovereignty as that maintained by Althusius, or by J. S. Mill, or by De Toqueville.

278. Sovereignty *does not mean the monopolizing of authority.*

Authority, as the pluralist rightly sees, springs up spontaneously wherever in society men find value and light. But authorities are not necessarily in conflict. An elder brother may have authority and also a father; custom may have authority and also law. It is not authority, but supreme authority, that is exclusive in its nature; and the existence of one supreme authority does not contradict the continued existence of a host of un-supreme authorities.

On the contrary, it is naturally aided by them. For supreme authority would naturally pertain to whatever power controlled the all-inclusive object of my will. But there is no definable end so all-inclusive as to make the pursuit of the many special ends superfluous.

[2] B. Constant, *Politique Constitutionelle,* I, 13; F. P. Guizot, *History of Representative Government,* II, lecture X and passim.

[3] "However they began, or by what right soever they subsist, there is and must be in all of them (i.e., states) a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii,* or the rights of sovereignty, reside." *Commentaries,* I, 46.

The will in its most general object, as pursuit of 'the good' or as 'will to power,' logically includes and abets all the more specific desires. But what in the concrete this general will means it can only discover by their aid. It has to be defined as the unity of all these given interests; and its nature has to be found by experience of them, and induction from that experience, not by *a priori* formulation. In practice there is an alternation between the one and the many; the whole gives interpretation to the parts, the parts give substance and color to the whole. The will to power has as much to learn through the growth of the special impulses as they have through being held together as parts of a single will. The good life must be pursued empirically as well as rationally.

And the corresponding principle of all valid authority growth, and hence of all valid politics, is that each definable good must be allowed to develop its own authority independently until, by the actual experience of conflict with other goods and their authorities, it becomes necessary to define its relations to them, and so to the whole of which both are parts.

279. Sovereignty *does not mean being exempt from opposition and criticism,* nor being 'beyond good and evil,' nor above questions of justice, nor absolved from obedience to laws of its own making.

It is to this point that the chief attacks of the pluralist are directed. For the doctrine of the legal absoluteness in the state whereby the prince can do no wrong, which appears not alone in the ancient form of *princeps legibus solutus,* or in Hobbes' view that the Leviathan as the source of justice can do no injustice, or in Rousseau's doctrine of the inerrancy of the sovereign

people, but also in the lingering resistance of many modern states to allow responsibility of their officials for official acts before their own courts, leaves the state in the apparent position of dictator of conscience, and its citizens in the position of moral ignominy in which they are impelled to interpret the phrase "my country, right or wrong," as if it meant an obligation to judge "my country right" whether it is right or wrong. And it has seemed to many critics as if this were after all, the logically inescapable position, as being the position of those theorists in whom reason undeterred by scruple has had the freest fling; so that if one dissents from it, one must do so in the name of an irrationalistic experimentalism.

And if sovereignty to exist at all must be unconditioned, or unlimited, then indeed opposition, which implies a limit, and criticism, which implies another, would be excluded by definition. But the logical difficulty is illusory, as I shall show. It is worth recalling that Hobbes himself, while denying that the Leviathan could commit injury in the technical sense of injustice, still admitted "It is true that they that have Soveraigne power, may commit Iniquity."[4]

280. The illusion lies in the assumption that any external pressure upon the will of the state to which the state is bound to yield *ipso facto* shows the will of the state limited and unfree. The assumption ignores the important fact of *self-limitation* which characterizes every will. For note:

First, every will has a purpose; and to have a purpose is to be limited by that purpose,—which is only to say that the will to do *a* is not the will to do *b*. The

[4] *Leviathan*, ch. xviii, p. 90.

will to raise poppies is not the will to raise pinks: if, wishing to raise poppies, some stranger compels me to note that the seeds I am planting are for pinks, I am obliged to change my course not by his requirement, but by my own, however much the suggestion may have come from outside. The simple fact, then, that the state may be constrained by external pressure to alter its course does not, *ipso facto,* prove that the limitation is not a self-limitation. In the case of a bill passed over the President's veto by two-thirds of the Congress, the President may remain personally opposed to the bill, and constrained certainly by an external power to give it the force of law. Yet it lies within the will of the President, as chief magistrate, to give force to all laws constitutionally passed and therefore to the law in question. The external limitation is thus also a self-limitation. If the British Parliament is awed by an illegally armed Ulster into suspending the application of its Home Rule Bill of 1913, it is a question of fact, not of theory, whether its hesitation is a retreat, saving its supremacy in the "Do as you please, I will be obeyed" manner, or on the other hand, the expression of a major policy of its own to the effect that no measure can be a satisfactory measure which provokes a large minority of otherwise decent citizens to armed rebellion. Politicians are not incapable of cowardly submission to browbeating factions; but any surrender to an argument from the purpose of the state is a surrender of the state to the state, and therefore an expression of self-limiting freedom.

Second, every finite will is limited by moral obligation,—i.e., it is bound not to realize its purpose by every consistent means, but to refrain from using iniquitous means to its ends. If individual human wills

are in this position, then the state is in this position also; for the will of the state is nothing but an aspect of the wills of all its members. But the recognition of a moral obligation carries with it no acknowledgment of an external and superior earthly judgment; to acknowledge the supremacy of conscience is not to acknowledge the supremacy of any church or censor. On the contrary, the supremacy of conscience is precisely the thing which must make a will independent of all such external authorities, while making it pliant to every *critic* who can come with a valid moral accusation. To yield to such a critic, in complete disregard of the amount of organized force behind him, would be an act of the freest self-limitation.

It is incomprehensible how any clear-thinking man can allege the fact that states are subject to moral judgment as a derogation from their sovereignty; yet this is the burden of much pluralistic discussion. It is certainly the direst confusion of categories to bring into one argument the venal truckling of characterless legislators to greedy or self-assertive constituents and an honest fear to offend the moral sense of a community, which is an integral part of the conscience of the state,—the more so since the latter subservience must be called upon to cure the former.

It is only by denying, or appearing to deny, a moral sense to the state that the moral criticism which its deeds plentifully deserve can be made to appear an external limit. Thus Mr. Laski first identifies state action with government action, tearing the will of the state away from its insertion in the wills and consciences of the people; and then asserts as a matter of common experience that governments hold themselves carefree with regard to ultimate purposes and duties,

so that moral guardianship must devolve upon individuals. "We deny," he says, "that the general end of the state colours the policy of a given act of a special state. And that denial involves from each member of the state continuous scrutiny of its purpose and its method." We have here a true and important conclusion from a false premiss. The watchfulness of the individual citizen is indeed necessary, were it only from the fact that the individual shares in the guilt of the state's act. But in the relative powerlessness of the individual the watchfulness would be futile if the state were, in fact, insensible to moral appeal.

There is, in truth, no way "save by individual judgment, to tell if the state-act is in truth the adequate expression of right purpose"; for the will of the state is free in the same sense as the individual will. The moral judgment of each citizen must remain undazzled and unbought by any prestige of state-behavior. For it follows from the nature of moral judgment, that it *cannot be alienated nor transferred to any authority,* whether political or religious, human or divine. But the retention of moral judgment by the individual upon the state implies its retention by the state. For there can be no moral judgment upon any but a morally responsible subject. Thus moral criticism asserts moral capacity; and where there is moral capacity, limitation by moral law is self-limitation.

281. A similar argument shatters the prejudice that the state as author of law cannot be subject to *legal* criticism.

There is nothing more self-critical than law: its general principles are forever criticising its special enactments; its judgments in special cases are forever

requiring revision of our conceptions of general principles. Law is simply one aspect of reflective living which self-criticism always attends. Hobbes' reasoning to show the incapacity of the sovereign to commit injustice is based on the most palpable fallacy: the acts of the sovereign are, by virtue of the contract, the acts of every member of the state; and since, he urges, "to do injury to one's selfe is impossible," the state can do no injury to its citizens. Self-injury is too common an experience to allow this deduction more than fleeting plausibility; and he who has injured himself may rely on the will of a more enlightened moment to recognize the grievance and redress it. Similarly, the state. It should be its pride rather than its shame that it is willing to appear in its own courts as a defendant; and the enthusiasm with which the sedate Gierke greets the fact that the Roman state as *fiscus* became subject to the law over which, as sovereign, it stood supreme,[5] and which will attend every extension of the same insight into lingering regions of administrative law, may signify that in such assertion of the capacity to be a just judge in its own case, the state assumes the noblest aspect of the will, which is self-limiting and therefore free in its limitations.

282. Sovereignty, then, does not mean all-inclusiveness of purpose, nor infallibility, nor absence of limitation. It does mean, in the first place, that *capacity for reaching a final decision* which is involved in the power

[5] "Und so entkleidete denn in der That zuletzt—ein gewaltiger Fortschritt in der menschlichen Geschichte—der römische Staat selbst im Vermögensrecht sich seiner Majestät, um unter Individuen als Individuum zu gelten; er beugte sich als *fiscus* dem Recht, über dem er als Staat allgewaltig stand." *Genossenschaftsrecht*, II, 28 f.

to act at all. This element of its meaning we have already pointed out.[6] It is thus the first capacity involved in the existence of a state. A decision is final when the force of the state is ready to serve it. This implies, not the absence of limiting and critical authorities, but the absence of any other power *of the same kind* in a position of superior command. It resembles in many ways the position of a man among his fellows when he reaches majority. Such a man is limited in a hundred directions by his neighbors; and there are many things, no doubt, which he 'wouldn't dare to do.' But so long as they refer their wills regarding him to his own judgment, without physical or moral coercion, he remains sovereign over his own conduct with respect to them. The sovereignty of the state is similarly opposed, not to moral restraint, but to tutelage. States, like men, are recognized as sovereign precisely when and *because* they are morally responsible,—the very reverse of supposing them sovereign only when above moral obligation.

283. Every man, and every group capable of action, must know when a decision has been reached, and must have some relative degree of sovereignty within itself. The sovereignty of the state is uniquely different from that of these other wills. Its sovereignty means, then, in the second place, the *precedence of its decisions over theirs.*

This precedence is based on the logical and psychological priority of the interest it represents in the will of each of its members. The will to power does not, in any empirical sense, supersede the other interests of life: the will of the state does not absorb the meaning

[6] § 129, above.

of religion, art, nor yet of commerce and industry. But the human will differs from other wills in this: it is incapable of taking its many interests simply serially and additively; in the midst of them it makes *a primary concern of being a unit, a self,* and thus of making the several incitements yield in increasing measure contribution to a single meaning.

The shifting of authority among the several social groups indicates that men have not found the satisfactory balance for their wills in such institutions as they have. The interest and credence given to any of them is provisional; the order and proportion of them must be regarded as experimental. For that reason there is an interest which must be carried on throughout these changes and unaffected by their fortunes, the interest of pursuing the experiment of adjusting all these special experiments to each other. The interest man has in being a self, in not being torn asunder by the conflict of his various belongings, in finding himself an integral and growing will in all of them, is an interest which cannot conflict with, nor be set aside by, nor defer to, any of the partial interests which that will surveys.

This is the positive ground on which, with the *non obstat* of the political pluralist together with the rest of the community, physical force is surrendered to the state and to no other social group. It is right that the state should make its will irresistible by any power except its own self-limitation.

284. And this position of sovereignty, so far from suppressing the natural shiftings of authority within society, is the thing which chiefly makes it a significant

rather than a random process. For if any of the competing powers, winning a position of ascendency, gained control of the state and identified its will with the will of the state, free experiment in diminishing its prerogatives would be impeded. The state must hold all other interests alike apart from itself and subject to its will in order that they may freely find their right place in reference to each other.

This is so patent a necessity that the pluralist finds himself inadvertently complaining that the state is *not sovereign enough.* He finds it too much the tool of some one of the social powers, at present the economic power.

Speaking as a realist, the pluralist must record the fact of this dominance, and the comparative helplessness of the state, which is "in reality the reflexion of what a dominant group or class believes to be political good."[7] But this is precisely what a good pluralist, who believes in the natural migration of authority unimpeded by a domineering state, should desire. Does he not welcome the situation? On the contrary, he is in arms against it! What, then, would he have?

The alternative is that the demands of any interest, say the economic interest, must be constantly subject to review, within the government, by the demands of other interests, say the social interests. The state must have sufficient authority to take an objective and free position toward any such demand. We must lean *against* the always present tendency of government to

[7] "The opinion of the state, at least in its legislative expression, will largely reproduce the opinion of those who hold the keys of economic power . . . it is now a commonplace that political power is the handmaid of economic power," etc. H. J. Laski, *Authority in the Modern State,* pp. 40, 81.

become the tool of dominant powers within the state. When it becomes the plastic instrument the realist describes, it enhances the chief evil it exists to overcome. Let government go, and naturally the strongest power registers its will without restraint; given a subservient government, and the strongest other power but registers its will the more effectively upon a people the more helpless; given a government that stands in fact for the whole, and asserts its sovereignty, and the strongest power in society, being still less than the whole, can register only so much of its will as deserves to be registered.

It is thus precisely the fact to which political pluralism calls attention, that authority is a living and varying thing within society, which makes the sovereignty of the state essential. Let the state become a mere one among many, and much of human life left out of its purview becomes the unrepresented and unprotected prey of the rest; the only state in which minorities have a hope is a sovereign state.

285. Especially disastrous would it be to accept submissively the tendency to make the state an organ of economic interests alone. And this is true even if economic minorities are included, or if the community is taken twice over into government, once as consumers, and once as producers.

For if the other-than-economic interests of the community are feeble in fact, then all the more must the state be depended upon to bring them into effect. The more men incline to coöperate professionally, the more important it is that they should not be organized politically exclusively by their occupations. Occupational

voting would tend to emphasize interests which are already able-bodied, and weaken that hospitality of concern which is the health of the state.

I point out this truth with the full conviction that government has nothing more important to do, in the Western world, than to assist the birth of new economical adjustments. Whoever calls for greater economic equality, for wiser saving and consuming, for greater personal satisfaction in labor, is touching upon the central responsibilities which the state to-day shares with industry. But so far as the state delays its part in this direction, the obstacle does not lie in the insufficient representation of economic interests. It lies in the insufficient representation of the broader social and moral interests of the community, the excess of the legalistic temper in representative bodies, the incomplete detachment and feebleness of the state. Its remedy lies in the opposite direction from that to which pluralism would point us.

286. I have a strong desire not to indulge in *argumenta ad hominem;* but in the interests of clearness I ought to point out that pluralism—like other theories realistic in their inspiration—runs the danger of basing its theory on a social disease.

There is a normal multi-headedness in a society growing vigorously in various directions; but the multi-headedness of self-willed segments of the community easily drifts into social palsy. The sovereignty of the state means the supremacy of a special sort of power, namely, power through ideas. If there is no such supremacy, what we have left is a struggle of interests for possession of the instruments of coercion; groups of various sorts, getting authority from the

fractions of human nature which they satisfy, set up as so many wholes and seek public control not as ideas but as private I-wills. No doubt this is very much the way things stand, especially since the war: in all classes the authority and interest of one's own group have increased while the prestige of government has declined, with the logical result that all are disposed to work for what they want or to take what they want without too much concern for legal method. What is legal method, the present temper demands,—what but an obsession of the state, an obstruction meaning eternal delay and the frittering of efforts in dealing with wool-hooded officials? There are more direct methods of gaining one's end, and one may see results in a lifetime. Any realistic account of the social process would have to record this trait in its physiology. And what is this trait but pluralism in practice?

No fair observer can fail to sympathize with the impatience of the age toward the vices of bureaucracy and the stupidities of governments. But nothing is gained for theory by postulating these vices and stupidities as inherent and erecting the answering social malsanity into a social standard.

Let us agree that the individual man is not exhausted into his state allegiance; and that human groups cannot be taken up whole into the maw of the Leviathan:—they all "refuse absorption by the state." But what is it they refuse when they refuse absorption? To abandon their rightful interests? Then they remain within the state and appeal from the sovereign to the sovereign. To abandon their interests whether right or wrong? to "admit the complete sovereignty of the state unless it can be assumed that the state is on their side"? Then they place themselves outside the

state and become not alone its enemies but the enemies of mankind.

287. Political pluralism does not present its case as a sanction for lawlessness; what it intends to champion is freedom of social growth. It wants a loose-jointedness among the parts of a community such as favors free branching and sprouting of new concerns, and an unhampered development of old ones. It demands that government shall accept an obligation to public opinion; and that public opinion shall be freely evolved in the non-political groupings of men. It desires a humanity open to the discovery of new values and ready to transvalue the whole scheme of them, rather than a humanity bound in the preordinations of a legal system derived from a presumed-omniscient absolute. So far, the cause of pluralism is the common cause of all men. But what are the conditions of this kind of social growth?

It requires *an alternate strengthening of whole and part,* not a relative weakening of the whole. As soon as you have personality in the world, you have an inalienable and unforgettable concern in holding the interests of life together; they must grow and grow diverse, but they must not grow apart. The whole of the will must be strong that they may be free. No person can hope to be a person except under a supreme authority of ideas; hence no person can will other than a sovereign state.

CHAPTER XXVII

REALISM AND THE GENERAL WILL

The actual and the ideal

OUR realistic eye has been much occupied with the defects of the state, those defects which cast doubt on its necessity, its unity and ascendency among social groups. In dealing with these defects, our conception of the state as a coincident circuit for the wills to power of all men has shown a certain advantage. It defines the state not in terms of perfection, but in terms of an actuality in which defects are to be expected. As a union of human wills, the state would presumably partake of the fallibilities of these wills as well as of their ideal aspirations. And it would be no more defeated by these defects than are these individual wills. There is no intrinsic greatness in the state that is not in the citizen; but there is no intrinsic greatness in the citizen that can be refused to the state. Underneath all the contingencies of experience there remains the undiminished reality of the will to power as a personal self, and therewith the will that the state exist, and exist as a sovereign unity.

But we must allow our realism its full scope. It can hardly be denied that we have assigned to our state an impossible program. Its business was—certainly not the audacious task of making its citizens happy—but providing certain necessary conditions for satisfying their wills. This aim is not achieved; and part of the

reason is that it is unachievable. To define it is to show its impossibility.

Adequacy of force, for example, cannot be had in a fighting world at any point short of all force. Of this fact every improvement in destructive engineering reminds us.

Still less achievable is the requirement of complete knowledge. Final truth on most subjects of legislation is not available; and since whatever is founded on less than final truth has mortality built into its structure, government runs the risk, in basing on its guesses a compulsory rule for its citizens, of ensuring their defeat through errors not their own.

And so the desired immortality may after all not be achieved. "For though Soveraignty in the intention of them that make it, be immortall, yet it is in its own nature, not only subject to violent death, by forreign War; but also through the ignorance and passions of men, it hath in it many seeds of a naturall mortality."[1]

289. The state is, indeed, a very finite and mortal edition of Providence. It is a much better substitute for deity than Society or Humanity in general; for it symbolizes in its efforts some of the functions of the omnipotent and omniscient being. It at least tries for the rôle of a competent earthly Fatherhood of men, whereas these other formless and headless entities beloved of sentimentalists try for nothing at all. But at best the state is a poor object of worship.

And so it is that what most deeply offends the realist in the traditional conception of the General Will, as it hails from Rousseau and his idealistic successors, is not the fact that it tends to become hypostasized as a

[1] Hobbes, *Leviathan*, ch. xxi, p. 114.

real entity, with a distinct center of consciousness—an objection we have sustained—but the fact that it is pictured as having an unreal perfection. In Rousseau's view there is something inerrant and absolute about it. The General Will cannot err! This dictum appears to us, as realists, only a shade less mysterious and repellent than that of Hegel to the effect that whatever is real is rational, and whatever is rational is real; or again that "die wirkliche Welt ist, wie sie seyn soll."[2] Can any distinction between the General Will and the will of all, or between our ordinary wills and our 'real' wills, justify such excess? The realist replies that a "man's will is just what it is with all its limitations, and not what it would be if these limitations were removed";[3] and by implication the same is true of the state: "there is no will that is good merely by self-definition." The ideal character of the General Will is, in short, an unjustified and misleading idealization.

Nevertheless we cannot dispose of these ideal aspects of the General Will as we might if the authors of the offending sayings had been unaware of the all-important distinction between what is and what ought to be. They were not attempting to assert the all-competence of existing states, nor to deny the ever-present desirableness of reform. They were attempting to point out that the imperfect state, like the imperfect individual, has still an actual point of contact with perfection. And a contact with perfection, if only in a single point, is not to be overlooked nor disparaged. Let us endeavor to discover it.

[2] *Werke*, IX, p. 45.

[3] See the excellent articles by Muirhead in *Mind*, Apr.-Oct., 1924. In the phrase quoted, Muirhead is summarizing the position of L. T. Hobhouse in *The Metaphysical Theory of the State*.

290. Human self-consciousness is not an idle witness of its own states of being: it is at the same time self-judging. And when it judges that its own deed or its own nature is fallible, the source of that confession is itself. Now one who discovers an error is certainly in a better case with regard to truth than before he had discovered it. He may, in fact, be said to have reached truth in certain respects. His judgment that he was in error is a true judgment; and, further, the self that has seen the error is *free at that moment from that particular error*. The reflecting and judging self is not immersed in defect to the same degree as the self which it observes and judges: the act of reflecting creates, as it were, a discontinuity, and brings the self into a region in which the ideal is for a moment actual.

Beside the errors one sees in himself, there are also the errors one suspects: it belongs to the reflecting animal to know his own ignorance, as a general condition, and his own partiality, and to fear them. And this fear has had not a little to do in developing political society, for it has made men take, if not altogether kindly, still far more kindly than if they were cocksure of their own judgments, to the offices of third parties, arbitrators and administrators. Any third party gives a powerful aid and stimulus to self-judgment; he is a natural ally of the reflexive self which in its own way makes its momentary contacts with perfection. And the state, as a permanent third party, makes an institution of the reflecting self-consciousness of mankind.

291. But further, so far as this reflective judgment, which is still a human and social judgment, is itself liable to fault, it needs a reflective self-consciousness in regard to its own defects. And in the course of his-

tory, through the joint effort of practical rebellion and political theorizing (which may be regarded as a sort of political self-consciousness), the state has acquired the insight that it may err, and has devised methods for correcting its own errors. This insight is a true insight. Thus in abandoning the pretence of impeccability, the state achieves an actual element of impeccability. In making provision for the correction of its own mistakes, it keeps alive a strand of truth which we may call 'absolute' truth in the sense that it is perfect as far as it goes.

It is especially *in regarding law as experimental* that the state achieves this contact with perfection. It is increasingly in the spirit of modern politics so to regard it. The work of bringing together the social and the economic standards must proceed, as we saw, empirically: and the revision of law by the results of experience is made an easier matter in every newer constitution.

The temper of thoroughgoing experimentation, it is true, is rare. The United States, finding itself as a war measure in control of its railroads, was unable to muster courage to continue the experiment for five years in times of peace. The Soviet government of Russia, beginning in a communistic dogma in which social and economic ideals were fused, has become by necessity remarkably experimental in its attitude. First the tenets of communism are bent to allow individual tenure of land; then soviet control of manufacture yields to admit an employed skilled management; and an edge of capitalism is admitted in the form of concessions and leases. The payment of a fixed wage is replaced in various places by payment according to production, with the result of a large increase in the out-

put of brick plants and of the coal mines of the Donetz Basin. The original principle retreats to the position of an ideal for some distant future; and if the results of experience can be faced with a sufficiently candid mind, these rapid changes may have the value of a national education. And in all states, in proportion as innovations in legislation, such as large extensions of the suffrage or prohibition amendments, are made deliberately experimental with a definite term for reconsideration, the hostility of dissenters becomes less bitter and the prospect of social improvement through law brightens.

But also, in proportion as the state becomes experimenter rather than dictator, it *becomes justified in dictating its experiments.* In abandoning the proposition, This law is absolutely right, it may insist on the proposition, It is absolutely right to try this law. To serve as an experiment, a measure must be carried out with reasonable unanimity and good faith: to discover how far a law is right we must treat it as if it were right. Thus rigor of enforcement becomes justified as the sovereign accepts its liability to mistake; for in that acceptance there is a point of contact with perfection.

292. And when experiments are tried under the eye of an intelligence which has no limit in persistence, in memory, or in patience, there is a substantial sense in which no experiment is a failure. For negative knowledge is none the less knowledge: to know that a road is not the right road diminishes by one the possible number of false beginnings. Wherever failure means venturing on a wrong hypothesis, the elimination of that hypothesis shortens the way to finding the true hypothesis, and is, so far, a positive result.

And when the state takes on this character of an indefatigable experimentalist, to whose mill all social facts are grist, its presence in the world goes far to give individual lives the same character, so that their failures also are not pure failure. Their false hypotheses, so far as they are definite and observed, contribute to the continuity of history somewhat as the partial failure of Columbus to find the westward way to India becomes a prelude to the success of Magellan. The state cannot ensure the will to power of its members against partial defeat: it can ensure that no such will need be totally defeated, even in its historic purpose.

293. Finally, the effort toward an ideal is an ideal effort, a part of the actual not subject to criticism. The ideal that is not tried for but only contemplated is still an ideal, but not so the will of the contemplator. In the state that aims at a rational judgment of human existence, some part of the rational is already real.

This is the element of truth in Anselm's argument that it *belongs to the perfect to exist.* We may grant Kant's criticism that a hundred dollars in pocket are no more in number than a hundred imaginary dollars, so that existence forms no part of the perfection of that sum of money as a sum,—though there are other respects in which its existence may seem to have a distinct virtue. But when the object in question is not a thing of nature but a moral undertaking, the difference between existence and non-existence is the difference between moral perfection and moral delinquency. If there be any ideal states of *will,* they will be found among the actual states of will. If there is any such thing as an ideal state-undertaking, it will be found among the actual states. And if this state-intention, or

state-meaning, had not been found among actual states, neither would it be yet found in human imagination. In this sense, Hegel's dictum is both intelligible and accurate: the rational is nowhere accomplished, but rationality is at work in things, constitutes their valid part. What is rational in them is what is real in them; and what is real in them is rational.

The ideal, says Hobhouse, must grow out of reality, must be something possible of achievement, requires an intimate knowledge of the details of the world:[4] that is, unless it has its roots in the ground, it is no ideal. It must not, however, be identified with what is, as if satisfied with it. But if it were satisfied with, or confused with what is, it would not be at work upon what is to remould it, and hence would not be actual *as an effort*. Conversely, when one says that an ideal effort is actual, he implies in those very terms that it is *not* identified with the particular facts existing. When moral effort is actual, the real and the ideal are identified nowhere but at the point of that effort. There they coincide.

And strangely enough, the political realist who denies this perfection, denies it in the interest of an ideal which is not actual, that is, in the interest of that very abstract perfectionism which he thinks he repudiates. It is his ideal, not that of the idealist, which lacks concrete character.

294. If the state is honest, it stands to its members for the elements of perfection embodied in its purpose and effort, under the eye of the reflective self-consciousness which it achieves. It aids men's mental con-

[4] *Metaphysical Conception of the State*, pp. 14, 15.

tact with certain of their own ideals, or limiting conceptions: and the state is the object of an instinctive deference in the sense in which the mental trend toward the limit is instinctive.

Because of this instinctive regard, the functionary of the state becomes the symbol for something more than he is, a fit subject for decoration, ceremony, and the illusion of magnificence, so far as this is a matter of public art. It is through symbolizing the perfection of mind and will that the effort toward perfection is maintained: the pageant of attainment promotes the attainment itself.

This element of make-believe in public ceremony is valid only when the element of honesty is there to give it life. Needless to say, it implies no personal superiority of the official to the private citizen: political relations are at their best among equals, when the Warwicks and other king-makers, preferring not to be king, defer to the symbols of perfection in their peers. The sordidness of official psychology is one of the chief causes for the insistent iconoclasm of the realist. Strip the tawdry glories from these pompous and inelastic puppets, and see the official for what he is, in his arrogant and petty vanity, his shallow omniscience, his flabby and cynical disillusionment! Well, and what have we left? If there is no genuine will to fulfill the purposes of the state, then there is no contact with perfection, and the reason for political obedience has vanished. The existence of the state body cannot carry with it the existence of the state soul; for the only perfect thing in the state is its *will,* and the will of the state, being the will of citizens, is *free.* This element of freedom, Hegel forgot. He forgot, perhaps, the earnestness with which it is necessary to pray that all offi-

cials may remain aware that their only chance for deserving respect is in their sense of their fallibility.

But the aspiration for the perfect work of the honest state cannot die from the wills of its members; and when governments cease to aim at the rational, the rational remains real in the political craving of mankind.

CHAPTER XXVIII

THE STATE, THE CHURCH, AND CONSCIENCE

THE state at its best has its contact with perfection; but it remains a poor object of worship. All brands of the realistic persuasion in political theory, including pluralists and anarchists, are right in objecting to its deification. Their wish to keep actual governments, and persons who think about governments, mindful of their defectiveness and merely relative worth would be largely met if the state could be held steadily in the shadow of some object of absolute worth, one that *is* fit to be worshiped. What the realist evidently needs, to keep the state in its place, is a God.

Human nature has, for other reasons, the same need: its instinct seeks a genuine object of worship. It is not our present business to argue the existence of God. The political fact is that most men believe in some sort of god; i.e., they believe that their conceptions of absolute good are something more than definitions or dreams. We shall assume without debate that this attitude is justified, that the universe has its Highest, a supreme power which is also a holy power, and that in its religion the human will to power has important dealings with that Highest. Granting this, the state has a serious rival in its ascendency: the claim of the object of worship would transcend that of the state. It is not an accident that the pluralists have found their finest in-

stances of divided allegiance in the conflict of political and religious authorities.

296. For conflicts between religious and political demands have a different status from other conflicts. All other interests, and the groups which cultivate them, engage fragments of the human will; religion and politics both claim to engage the *whole will*. It is the whole will which through the state seeks its satisfaction in history, and through religion its satisfaction beyond history. In the one case, we seek power in a human and physical context; in the other, we seek power with reality. In the one case, we hope for an immortality of effect—an immortality concrete but not literally ours, for we shall not be there to witness it; in the other we hope for a personal and literal immortality through mastery of the ultimate conditions of life and death.

At bottom, the state depends for its psychological appeal largely on the state myth, which for imagination transforms its objectives,—its pseudo-immortality into tangible fact, its pseudo-reality into a superperson, the abstract tie which it spins between remote and mutually uninterested individuals into concrete and personal relations with itself. Devotion to the state *as commonly imagined* is devotion to a fiction; and the relation between this mythological object and the objectives of religion is the relation between the figurative and the literal. There is no actual state entity; but there is a God.

Thus in two ways the good to be realized through religion takes precedence of the good to be achieved through the state,—as the absolute transcends the relative, and as the literal transcends the figurative.

297. We cannot at once translate this precedence of religion over politics into precedence of the church over the state. For though the church is the religious institution as the state is the political institution, the parallel is not exact.

There is no state unless men unite to make it; but the conscious junction of men is not necessary to give reality to God. Hence, while the political union is necessary if men are to realize their will in history, the religious group is not in the same sense necessary to the religious will: men can, and indeed must, have some sort of access to God without it. The success of the religious will is not primarily in history or the human social order: the absolute mastery of destiny at which it aims,—whether conceived as the winning of peace, or reconciliation, or the attainment of Nirvana, or salvation, or the overcoming of the world,—as a transaction between the individual soul and its original, does not depend on either the triumph or the continuance of the church militant. The state lies between the will to power and its visible goal as an indispensable link: the church is primarily a consequence of religious achievement, an emanation of individuals —Moses, Zarathustra, Buddha, Jesus, Mohammed—who have first won their way to the Highest without *its* aid.

But as the work of these individuals shows, there is something in the nature of a powerful religious sense which tends to beget a church. If it lacks the logical necessity which the state has, the church has nevertheless the necessity of a natural group, and like the state was originally bound up with the life of family and tribe. It appears that the will to worship, like other aspects of the will, must have its vital circuit with its

physical properties in time and place, its sacred places, days, rites, in which many wills must coincide. How do these external trappings become relevant to the supremely inward act of worship, which is always a flight of the alone to the Alone?

The answer lies partly in the difficulty of that act and partly in its import to other men. To most men the god, as the supreme object of satisfaction and rest, is not an obvious being: vision of him is obscured by work-a-day experience; and some conspiracy of detachment, concentration, and suggestion becomes a necessary aid to realizing his presence. This realization, always a matter of degree, pressing from vaguer to clearer, is *explorative*, and needs the widest groundwork in common human experience as the highest pyramid requires the broadest base. If worship succeeds, achieving a perception of its god, its result is of concern to all. For no man wishes to give highest allegiance to less than the Highest; neither can any man who has gained a clearer outlook be content while others worship a lesser good; neither can any community be wholly at rest while its members worship less than *their* Highest.[1] Religion thus tends to proffer an invitation to mankind to participate in its worship, and sometimes to press its vision upon them as a good which they ought to enjoy; in any case to institute a visible community with those who follow its path and verify its value.

[1] Just because worship is the most private of all acts, establishing the deepest allegiance, it is the act of most practical concern to one's neighbor; the community has always reasonably feared the worshipers of 'strange gods,' i.e., those whose principles have an alien and possibly inconsistent inspiration. Chesterton somewhere says nothing concerns a man's landlady so much as his philosophy; and his philosophy is simply the vocal aspect of his religion.

In principle this community is universal, since the perils of destiny and the vision of the Highest are the concern of men as men and not as members of any private band. In practice, however, it is selective, assembling in separate groups the practitioners of this or that "way" to the Highest. These selective bodies gather about the great spiritual adventurers of the race, make themselves the custodians of their insight and of such further insight as may accumulate about it in a coherent tradition. Each such body will be characterized by this succession of explorative minds, i.e., its priesthood or apostolic ministry; by its acquired view of God, i.e., by its faith; and by its sacraments, i.e., elements of the developed art of worship. Eking out private powers of worship by this cumulative store of god-wisdom, each church professes to 'mediate' between man and deity; so far as it actually fulfills this function it is authoritative.

These divisions of confession, so long as men are in their present obscurity in regard to religion, are desirable, as so many independent efforts in a great human enterprise. The sects may be hostile, obsessed by their differences. They are also capable of adding, after the normal fashion of small groups, to the commonwealth of civilization, uniting mankind instead of splitting it into factions. The differences remain important; but in the fundamental object of worship all churches are already parts of the church catholic or universal, so far as their gods are not inconsistent with truth.

298. Our conception of the church, then, involves these facts: that every man has his gods; that the gods

he worships (as distinct from those he nominally respects) are the most practically important function of his personality; that most men need guidance in conceiving their gods and aid in realizing them; and that these needs can best be met by a cumulative tradition kept in an enduring union. If this is true, religion in any extensive community implies the church; and the precedence of religion in the individual mind will imply a similar precedence of the church. No man can regard his political good as his ultimate good; the complete satisfaction of his will can only be found in his dealings with the cosmos. The church, accordingly, can never accept a place of secondary importance in the ordering of life.

But this precedence does not of itself imply a conflict with the state. In the main, the good which the church instates as the Highest has the same sources in experience as the good which the state enacts: the church orients a devotion which, in its general principles, is wholly in harmony with the will of the state as law.

Historically, this has been the fundamental situation; organized religion has reënforced the will of the state. Devotion to the will of the god has always been devotion to certain ideals advantageous to the community; fear of the god's displeasure has been an added power behind law and custom, as in the dreaded sanctions of taboo; obedience to the dictates of deities concerned in the welfare of the group was, *ipso facto,* obedience to the visible society. Hence the statement of Giddings that "primitive social cohesion was essentially a religious phenomenon." And when the god and his purpose were conceived as national, religious devotion was the very substance of state devotion: the fo-

cus of loyalty was in the god, and the ruler ruled by representing or embodying the divine being.

This original rapport has been so persistent that critics of the state have commonly included the religious institution in their denunciations. Marx cannot believe that the "will of the god" is any independent discovery of the religious consciousness; he can see in it only an echo of an ideology whose ultimate recommenders are the controlling economic forces. Bakunin couples "God and the State" in his view of the deadliest foes of freedom. These views are typical.

299. But three things destroy, in early stages of both political and religious evolution, this simple identity of aim between church and state.

(1) In becoming territorial, the state broke away from the outline of the religious community. (2) In becoming consciously universal, the church burst the bonds of race, nation, and status, and was no longer at the service of the specific objects of national groups. Here and there the political bond, perilously weakened by this double divergence, undertook to retain in its service some part of the ancient force; thus Athens appropriated the Eleusinian mysteries as a municipal cult. But the magic was gone; the mystery religion was in principle a universal opportunity, and besides (3) it had begun to assert the essential difference of interest between religion and politics, the other-worldly temper.

To a world disillusioned in politics the church had begun to appear not as a cure for the state but as an alternative. To win the supreme good, man would wisely, if need be, let the state go. "Sell all and follow

me'' is the plain logic of the religious demand. The older Orient had taken this logic in earnest; the quest of religious perfection had been taken to imply the abandonment of the world, and therewith of the state as the very epitome of the ''powers of this world.'' This logic became the inspiration of the mystery religions, of Stoicism, of neo-Platonism, of monastic Christianity. The state could hope for no basic support from a community which, asserting its own supremacy, had definitely set its affections outside the historical order. Such a church could only be felt as a rival, as Christianity was felt by Rome to be. The City of God was not ready to define, still less to accept, a new and affirmative relation to the Earthly City.

300. What new relation could there be except one which frankly accepted the supremacy of the church?

This new relation, budding with Constantine, taking impressive social form in the Holy Roman Empire and in Islam, proved an ultimate failure. However plausible the Dantean logic by which the whole should include the part and the absolute the relative, the state mind has ''refused absorption'' in the religious mind. It has something of its own; the other-worldliness of the church was too essential to give it a more than desultory interest in worldly politics. The attempt of the head of the church to function as spiritual father and secular ruler tended to spoil both offices, but especially the religious office; for the mixture of sacred and secular proved to be no blend of the two, but a secular fact.

Hence hierarchy in Europe yielded generally to various types of double-headedness, such as the curious mutual protectorate of the Reformers, in which

the church, nominally the censor and sanctioner of princely rule became in effect an official support and servant. These uneasy alliances, well calculated to illustrate the adage that no man can serve two masters, though surviving in certain state churches, such as those of England and the former German Empire, have elsewhere been shaken off. What remains?

301. The present age is experimenting with the relation of complete mutual independence. If the church is seriously concerned with the other world and the future life, why should its province interfere with that of the state? The business of the state has been *secularized,* together with the arts and the sciences. To religion has been assigned the province of subjective motivation, purity of soul, and the destiny beyond. The state 'tolerates' religion of all sorts on condition that religion lets politics severely alone.

In our own country we have been especially enamored of this view; yet it is a view which everywhere to-day shows its untenableness. The state loses by it something it needs. The church loses hold upon the sense of practical importance and passes through an era of marked feebleness. The attempted mutual indifference is psychologically impossible, for the religious and the political interest exist side by side in individual minds, and each person is bound to reach some kind of working understanding between them. To keep them in separate compartments would imply a violence to personal identity worthy of the age of the twofold truth. The fancy that conflict between church and state can be avoided by confining the province of the church to subjective and other-worldly interests is precisely in harmony with those conceptions of the ancient Ori-

ent which we suppose we have outgrown.[2] Rousseau saw clearly that this situation was anomalous. An other-worldly church in the midst of a modern state might be non-interfering; but if it were anything but moribund it must disaffect its members from political life, and subtract from the state's vitality, as has been the case in India.

This belief in the possibility of mutual independence is a complete misconception of the basis of Western civilization. It is also a misconception of religion, and of the abandonment of the world which it calls for. No normality can come into the perplexed and unsatisfactory relations of church and state without a better understanding of their connection in the individual mind.

ii

302. Let us recur to the view of religion as devotion to an absolute good; and let us accept the logic whereby, as the price of its supreme treasure, religion requires nothing short of perfection and an abandonment of the world on the part of everybody.

But let us understand this abandonment as a mental *act of preference* such as we often execute when we consider a partial undertaking in the light of the whole undertaking. Every partial undertaking tends to ab-

[2] Thus, Dr. Sarkar mentions, as a point of agreement between Indian political theory and the dominant notions of the modern West, that in India "the functions of the priests have been confined to the personal religious life of kings and people . . . ," that "religion never dominated politics; the state was always absolutely independent of the church . . . nor did the priests interfere in the administration as a matter of right, temporal or spiritual." (B. K. Sarkar, in *Political Science Quarterly,* December, 1918, p. 488). This, which might fairly describe several modern instances, is precisely what we should expect from the nature of traditional Hindu piety.

sorb me and to set up as an absolute object: I must remind myself from time to time that I am pursuing it not for its own sake but subject to the approval of my more complete purpose; I reflect, "I am carrying out this project, but I do so on the supposition that it accords with that will which I absolutely prefer." This reflection of preference detaches me momentarily from complete absorption in the task; it contemplates the possibility of abandoning that task, if it should fail to accord with the higher purpose; it is in substance an act of worship. Worship is the recurrent mental abandonment of the world in favor of the absolute good, so far as I can grasp it; and this is the only abandonment of the world required by religion.

But just as, after recurring in thought to my main objective, I return to my particular project with a refreshed and possibly altered judgment, so the act of worship is not an act of fruitless contemplation or one whose fruit is only in another world: it makes a difference to the living that follows it. In proportion as worship is successful, the will is elevated and transformed as by every vision of surpassing worth: it achieves not a finished perfection but a contact with perfection, a 'union with God' in which the quality of attainment is known while yet the attainment lies at an infinite distance. It lies in the nature of worship to be transitory: it is a realization in thought which is to be followed by a realization in practice. The mystic insight demands embodiment: the concentration and energizing of the will must be made good in action.

It is here that the religious sense of the Western world departs in general from that of the older Orient, even from the Karma Yoga as taught in the Bhagavatgita. Yet it joins hands with a subconscious element

in the life of the Buddha, who recognized that the Nirvana he had won through his Enlightenment was an incomplete good without the ministry of teaching which followed it. His life denied his theoretical indifference to the good of historical action; and in this noble inconsistency Buddha points the way to the principle of Western religion, which I shall call the *principle of alternation.*[3]

We might put the matter, so far as it affects politics, as follows. Religion ministers to the will in its *back stroke,* its retreat into itself and into communication with its ultimate sources; as worship, it is a process of recovering grit, grasp, the sense of worth, and thus of recreating and revitalizing the self. The political life ministers to the will in its *out stroke,* the application of its energy, its formulation in policies of conduct, and its concrete realization of character. In the life of the will, the back stroke and the out stroke belong together as alternate phases of a single rhythm. Each phase of this alternation—of which for most men the out stroke is by far the most prolonged—sets up by its own fatigue and dearth of interest a hunger for the other. The political life, as we have maintained, is not satisfied with mere outwardness: the state cannot be indifferent to the mental springs of its own vitality. The god supplies the literal reality and unity which the state lacks. Religion in turn requires the political life: it passes from the given unity to the unity to be achieved in history; it derives from the state force and actuality for the ends which the god is felt to will. Without the state, religion is empty; without religion, the state is blind, anemic, incohesive. Religion and

[3] For a detailed development of this principle, see my book, *The Meaning of God in Human Experience,* chs. xxvii, xxviii.

politics together constitute a functional unity for the will to power: the will demands both circuits for the normal round of its life.

This principle of alternation the Western world has developed and made use of. Through it the crippling opposition between the other-worldliness of religion and the this-worldliness of political life has been overcome and turned into a mutual reënforcement. The capacity to be good worshipers without ceasing to be good citizens, warriors, scientists, economic providers, gave Western civilization its mature strength.

But this is not to say that Western civilization has clearly perceived and understood the sources of its strength. So far is this from the case that it appears ready to reject the principle and forego its advantage.[4] The prevalence, depth, and ominousness of this failure to perceive our own foundations make it desirable to specify in greater detail how the religious consciousness contributes to the vitality of political life.

303. In the first place, religion *promotes that original human solidarity* which underlies political and all

[4] We see a part of the principle with unusual clearness, namely the broad alternation between work and recreation. We are experts in play; we begin to make political provision for it as a necessary part of man-making. But we do not see the whole gamut of 'recreation': we do not see that worship is recreation in its most deliberate and deep-going form; that it contains in principle all other forms, as it was historically their mother. Were it not that we inherit from an ancient religious sense the institution of the *week*, with its recreative week-end, we should hardly be able on the basis of our present insight to give that invaluable embodiment of the principle of alternation political standing. We lend a favoring ear to the proposal to smooth out the rhythm into a uniform flow of life on the ground that *laborare est orare*, a proposition which is the exact reverse of the truth unless labor takes its place as a phase in the cycle to which as a whole worship can give character.

other social grouping, even when the religious community is no longer identical with any other group.

The abandonment of the world in worship is an act of deference to a greater than self in which the will is identified with the will of the Highest. A religion is not merely a creed but an enthusiasm in which man finds himself by losing himself in devotion to a good that calls out the full assent of his will. Hence worship is the most complete breach of the enclosure of selfhood; and the not-self with which the will identifies itself is the common not-self of all men, the god. Here humanity sinks its differences and enters common ground, the holy ground of a common reverence and dependence. Even in war, men who are still men reverence the reverence of their enemies and refrain from violating their shrines. Worship is not complete until its groups cross all other lines of division, and men find themselves worshiping with their rivals, competitors, enemies.[5] This day is distant; but we are talking of the nature of things. It is the nature of worship to maintain a substantial unity of spirit between men and groups that must *continue to* disagree. It is not its nature to denounce every quarrel, still less to presume to settle them: but to subordinate the difference to an agreement, and thus to keep alive faith in the meeting of minds and the possibility of settlements. Without this faith the state is dead at its root.

Secondly, in sustaining this solidarity, religion *maintains that impersonal interest in mankind* which

[5] It is for this reason that the church must be international, interracial, and inter-class, overcoming such hideous social provincialism as that of most Protestant sects, and such racial provincialism as that of Judaism.

political life increasingly demands, and yet increasingly tends to break down.

The political bond, we have said, is impersonal; and political evolution tends to make it more perfectly impersonal. The state unites my will with multitudes whom I do not know and shall never see: it makes me a fellow worker with them and for them. So long as this situation is undisturbed and unexamined, this impersonal devotion has the support of instinct. The parental instinct ties our wills to the service of an unknown posterity; the instinct of workmanship assigns an intrinsic value to the result, no matter who enjoys it; the will to power is capable of an equally self-forgetful joy in achievement for unspecified human beings,—it is akin to the impulse of mutual aid which in all creation rises above self-interest; it is an impersonal form of the 'love' of the gospels. But it is the fate of the state to disturb this normal situation, and to raise the question, what after all I owe to this unknown neighbor, or "What has posterity done for me?" It does this by the very process of organizing justice, by assigning 'rights' to be held as so much property without reference to the temper of the owner. It suggests that with each right there goes an auxiliary right to be as selfish with it as one pleases: it invites a disposition which given free swing would cancel all rights and destroy its own energy of union.

Now the state, having in itself no way of restoring this lost interest in the unknown neighbor, relies heavily on the tendency of healthy men to return to healthy-mindedness when the legal fit is off their minds. But religion, as the deliberate quest of healthy-mindedness, is the specific cure for this pestilence of self-interested justice. It consciously renews the con-

cern to bring one's life and work under the eye of the absolute judge, to give it intrinsic merit. But this is precisely the merit which the unknown neighbor will be served by; what is done for the absolute judge is done for him. For the religious consciousness the absolute judge has a strange way of reappearing in the eyes of the fellow man; so that inasmuch as one has done it unto the remotest of these his unknown fellows he has done it unto the Highest. As a union of wills under reason and justice, the state is weak: it is strong only as a union of souls, i.e., of persons recurrently renewing their allegiance to the divine being as a common objective judge of value.

In the third place, worship *sensitizes the individual* conscience, and confirms that 'better reason' which law embodies or ought to embody.

In achieving solidarity with others in the purpose conceived as divine, worship so far subordinates the merely self-willed or self-assertive temper as to promote a disinterested self-judgment. Contrary to the usual prejudice, which sees in religion a purely subjective or psychological exercise, worship begets that essential *objectivity of mind and will* in which the subjective self-absorbed humors of common action are overcome. This objectivity we have already recognized as the central ingredient in the love of truth and in the sense of justice which in judging the self transcends the limits of self, seeing it as one among many. Religion thus develops that part of human nature from which the very conception of law originates,—conscience.

It has been the effect of this heightened sensitivity of conscience to bring ordinary social activity under

distrust, questioning private property, marriage, ambition, etc. But this challenge is simply the assertion of supremacy, which issues in sanctioning the fundamental impulses and satisfactions of life under the condition of their accord with this deeply inward objectivity of the will: they are holy so far as they retain wholeness of view. In these judgments the church sustains the individual conscience. It insists on the integrity of the inward meaning, in marriage and the primary social duties. It recognizes a connection between this inner meaning and the outward form, so that custom can take only those shapes which the general religious sense can sanction. The religious insight of the community thus becomes a part of what the customary relationships of society *mean* to those who enter them; and those who reject the religious confirmation as mere ceremony deprive the state of that affirmation of inwardness which it desires to add to its legality, and retreat into the region of private shallowness. Religion thus tends to permeate the structure of social life, as a forerunner and path-maker for both law and custom, and continually reënlivening their mental sources. It is this support of conscience, custom, and law, which gives religion its reputation as a conservative force, and makes it the natural ally of the state, *so far as the state is an honest law-giver.*

But for the same reason, finally, religion *promotes change* in the direction which we call progress.

The impulse to worship arises from the failure of existing objects of action, existing ideals and laws, to provide a satisfactory setting for the will. The intention of worship is to render molten the whole treasury of finite goods that they may be recast in fitter propor-

tion and emerge in a greater harmony of life. But this means innovation. In the moment of its retreat and moltenness, the will is emancipated in its outlook from all fixities and commitments, ethical, political, and other. It sees the relative to be relative, just because and just in so far as it perceives the absolute. It is ideally anarchistic and free: its abandonment of the world is an enacted rejection of all its parading partialities. Every critic of the existing order is at heart a revolutionary; but worship is the radical and deliberate cult of revolution. The will which has met its god confronts the world with new tables of the law. Its altered orientation *is* the voice and will of that god. An honest religion is thus the natural ally of an honest revolution; and conversely an honest revolution is one which finds an honest religion its ally and not its foe. But the religious revolutionary differs from the merely discontented and destructive spirit; he remains responsible to his divine vision, to the will of a god not fickle. The change he demands is required by his increased ethical sensitiveness, and is in the interest of a greater harmony, not a lesser.

304. In these various ways, abandonment of the world becomes a contribution to the work of the world; the antagonism between church and state in the direction of the will is overcome through the principle of alternation.

But if religion has corollaries in the field of historical action, especially in reference to the sources of law and changes in the law, the possibility of conflict is renewed with the destruction of the boundaries between the provinces. In the main, we repeat, the church rec-

ommends only what the state welcomes: the ideals set by religion of love to God and to man carry it beyond the requirements of the state into the finer reaches of character,—"against such there is no law." But because religion is explorative and originative, the conscious ally of the *élan vital,* living at the growing point of human nature, it has demands to make upon the state, and the state has a reciprocal interest in assessing these demands and their source. We have now to define the region of their interaction and the principles which govern it.

iii

305. Let us epitomize our account of the bearing of religion on politics in three words,—worship—conscience—law. Individual conscience, broadly understood, appears as the middle ground through which religious impulses pass into the life of society and state. These impulses as felt by the individual are vague: the church undertakes to interpret them in the form of universal moral precepts and ideals; an ethic becomes an adjunct of every developed religion. The state undertakes to embody such of these same principles as concern it in specific deeds and statutes; its laws claim to inform conscience in concrete terms what it *means.* Conscience has therefore two would-be interpreters, one more universal and one more particular, but still two authoritative institutions which converge in this meeting place.

It is important to note that the individual's conscience *remains free* between them. It cannot be alienated nor resigned to church or state. Their interpretations remain subject to his judgment; their moral

authority becomes such only because on the basis of his own intuition he chooses or accepts them as aids to his judgment. He remains the moral critic of both. He is bound to maintain a continuous vigilant censorship of both, and in two respects,—(1) as to the rightness of their deeds and demands, (2) as to their honesty or sincerity in attempting to find the right deed or demand. While institutions are in human hands, the second point of judgment is at least as important as the first.

306. A man must be free to choose his church as he is not free to choose his state. He must be free to belong to any visible branch of the church universal, or to none.

The church must harmonize with and develop the religious insight he already has: which church can do this, or whether any church can do it, he alone can determine. As objects of highly individual selection or rejection, these branches of the church should remain many, while the state is one. Further, insincerity in the church completely frustrates its meaning; its moral authority is instantly destroyed. It must therefore be possible for the member to leave the church as he cannot leave the state. As conscience does not depend on the church for its existence, so it is always tending to an independent growth. The best church is the church that most fully recognizes this priority of conscience and sets it free rather than attempting to monopolize or browbeat it: variability of conscience (within bounds) is a sign of the vitality of religion; whereas uniformity of conscience is a sign of its decay.

Thus, in the nature of the case, the church must be

devoid of sovereignty. It has no fixed membership which it can constrain to common action. It must be tolerant of other churches among the same people as the state cannot be tolerant of other states in the same place. It has no use for force: its authority must be wholly spiritual, depending instantly and continuously on its power to convince men that it interprets to them the voice of God. The physical powerlessness of the church is the mark of honor of its exalted function.

307. The church influences the state primarily by way of the consciences of its individual members.

In their social activities and also as voters, legislators, etc., men to whom the church is authoritative will have the strongest motive to act in accordance with its judgment. In this way the church naturally influences not only conduct, but also legislation.

But such action of the church on individual conscience must be advisory only. In view of the intrinsic freedom of conscience, the church is bound not to dictate, nor to attempt to bind it by commitments, especially where the issues are issues of social change in which consciences entering untried ground will naturally reach different tentative standpoints. To enquire into the votes of its members, to impose ecclesiastical punishments for deviations from its judgment in civic matters, are outrages which should bring upon any church guilty of them the direct, formal, and effective censure of the state.

For just because of the bearing which we here insist upon of religion upon state action, the voice of the state is the voice of the actually prevailing religious sense, so far as that sense is free to express itself: it

therefore faces the church as an equal on the ground of conscience.

308. But the church in its corporate capacity may also address the state directly in reference to public questions, whenever it finds that it can speak as a body.

The necessary freedom of conscience among its members makes such action especially difficult and perilous; but there is nothing in the nature of the case which should prevent such united action if in fact the church is united. There is nothing more pertinent to legislation than the consensus of opinion within churches: and there is no topic of legislation immune from judgment by the church if it has anything to do with justice or the ideal of social order.

When an American group of churches brought to the attention of Congressman Tinkham of Massachusetts in 1924 a resolution referring to the immigration law then pending, the worthy Congressman resented their action as undue interference. He wrote, "It is one of the fundamental principles of the American Government . . . that there shall be in the United States complete separation of the Church and the State as religious and political entities, and that there shall be no interference one with the other. The action of certain Churches, of certain denominations . . . in passing resolutions in relation to legislation of a secular character . . . is indefensible. It is my settled opinion that some of the great lawlessness and actual crime in this country to-day is directly caused by the loss of respect for the Church and its teachings on the part of the people, because Churches abandoning spiritual affairs

and direction have become quasi-political institutions."

The Congressman's resentment is the resentment of every practical man who feels that he must be better informed than any outsider in regard to the facts and particular issues involved. And facts are necessary for moral judgments: there is always need for due modesty on the part of any mind whose sole qualification for judging affairs is its conscience. Mr. Tinkham may have based himself on Hegel's dictum: "In contrast with the faith and the authority of the church, the state is that which *knows*"! But facts alone are equally infirm. To the fools who think that laws can be made on principle without information fully correspond those other fools who think they can be made on information without principle. The answer to the Congressman was completely contained in one sentence of the reply of the petitioning group: "The Federal Council does not consider any question involving principles of right and justice as being secular."

That is the situation which politicians from now on must more definitely face; for as this document of the times continues, "the people in the churches are rapidly coming to look at all public affairs as matters of ethics . . . the leaders of the church are tired of preaching justice in theory and closing their eyes to injustice in practice." The function of the prophets is not obsolete; the future of the church is greater than its past. It is not alone the Christian religion which recognizes this concern. Buddhism is remoter from politics than almost any other living religion; yet on occasion of this same immigration act, a representative of the Nichiren sect came to America with a personal message to the President which, though couched

in the most general terms was evidently felt applicable to the occasion.[6]

The Protestant sects have been inclined to accuse the Catholic Church of interfering too much with political matters. They begin to recognize that they themselves have interfered too little.[7] They find that their ethic has corollaries with regard to war and peace, to industry and economic relations, to education, to the relations of races, to the stability of the family and the control of population. They do not reach agreement on these questions; they run the grave risk of hasty and superficial commitments. But as to their function in the community, they have cast the die. They cannot yield the ground to the abstractionists, who, unwilling to enact the view of any religious sect, demand in effect the enactment of non-religion.

309. However much the state may be concerned in the existence of the church and its pronouncements, it cannot promote religion.

The reason is that it is of the nature of religion to be absolutely free; it cannot exist as a means to any end beyond itself; where it serves society, it must serve as an incident of its proper life. The more the state needs religion the more completely it depends on religion's spontaneity to supply that need.

The state cannot order religion to be taught in the schools by its own salaried officials; it can impose no

[6] "Love is supreme. Its voice can never be drowned in the tumult of politics. Saint Nichiren taught us to return hatred with tolerance, to answer wickedness with charity, to conquer might with righteousness. . . ."

[7] The criticism of the Catholic Church does not hold against the expression of opinion, but against the methods by which the political acts of its members are at times controlled.

religious test for office or honor, not because religion means less, but because the purity of religion means more. It must not intrude in the organization or personnel of religious bodies. It must not undertake to define their creeds.[8]

310. But inability to act as religious propagandist does not mean passivity on the part of the state, a passivity which, as a pretence of indifference, is false to fact and vital interest. The state must, in the first place, encourage the existence of the church, and promote the circumstances in which the religious spirit may grow.

The French government at the opening of the century was almost as ready as the present Soviet government to make a clean sweep of religious cults. However, "it was desired that public worship should not abruptly cease":[9] it followed that the order of worship should be protected by the police; the rights of resident priests must be defined and upheld; the property of the church must not be wholly abolished, but a residue of it must be conserved as having a public interest. And the property of churches as of schools should be exempt from taxation.

In education, too, the state has an obligation to religion. It cannot teach religion, but it can make a place

[8] The British Parliament, through the Judiciary Committee of the Privy Council, comes perilously near to posing as a religious authority when it undertakes to interpret ancient statutes regarding the church. Interpretation requires a true perception of agreement and difference in the essence, not the letter, of a proposition; and such perception can only be justly made by a mind attuned to that sphere.

[9] M. Hauriou, commenting on the law of December 9, 1905, in *Traité de droit administratif*, 1914, pp. 541 ff.: "La police et le régime des cultes."

for its teaching. It is a false psychology which assumes that the mind when let alone will find its natural functions; and that being let alone constitutes freedom. If the play instinct is let alone, it withers; if the will is to flow through a vital circuit, the various external properties of that circuit must be there, in this case, play-things, play-space, play-time, and play-comrades. If the religious nature is to grow, its circuit must be set up for it: its tradition and its rites. There is no greater crime against childhood than to demand of it that it shall build its own world-view,—make bricks without straw. We are bound to offer the best we have; knowing that, poor as it may be, there is one thing worse than poor food and more surely fatal, and that is, no food at all. Freedom is secured by providing, together with our best knowledge in these matters, the instruments for its correction,—the explorative religious impulse and philosophy. As a part of its business of man-making, the state is bound to make room for the private agencies carrying on elementary religious instruction; and in the higher state institutions it must see to it that the history and philosophy of religion are given place in the curriculum with other ingredients of a complete culture.

311. The state must recognize its own religious commitments.

Once it is recognized that religion has a bearing on law, the converse must be recognized, that law is an embodiment of religious belief, and, further, of some particular religion rather than others. The only way in which a state could evade the necessity of deciding between religions, in so far as different faiths have different practical corollaries, would be by restricting the

range of its legislation to matters recommended by the conscience-in-general of the church universal. To suppose this possible is to keep one's political head in the sand. The state must decide for or against the permission of polygamy; and to decide against it is to decide against the Mormon faith.[10] It must establish its legal holidays; and if it follows the Christian calendar, it decides for the Christians and against the Jews and others. If on Jewish protest it forbids the reading of the New Testament in the schools, it decides so far for the Jews and against the Christians. If it permits divorce, it decides against the Catholic conscience. It is not a matter of prohibiting the discussion of these questions: the state must tolerate all views *in the sense of giving them all a chance to come to power through their persuasive force.* But it cannot adopt the absurd standard of giving power to none, remaining in a logically impossible neutrality, thereby robbing that public discussion of the greater part of its meaning.

No culture is a nondescript culture; no system of law is without its religious presuppositions. The effort of any state to pose as religiously neutral is so painful by its inherent falsity as to make the idea of a state church welcome by contrast. But a state church offends the equally fundamental interest in the free growth of conscience. What is necessary is that the state should declare its legislation based in substance on this or that faith,—in our case, on the Christian faith,—retaining like any individual and as an element of its sovereignty entire liberty of conscience in regard to

[10] Bertrand Russell mourns the decisiveness of our government on this point as depriving the world of an interesting experiment. It is fair to reflect that the world has already experimented *in extenso* with this arrangement.

the judgments of any church. This declaration would render it once for all immune from invidious attack on the ground that a given act of state favors one religion rather than another. The proper answer to all such complaints is that it is inseparable from any effective body of law to do precisely that thing; that their remedy lies in the open field of personal persuasion; and that no apology is to be offered.

312. As a consequence of the fact that every particular state is based, together with the corresponding culture, upon a particular religious type and not upon religion in general, there are limits which must be drawn to toleration. To state the matter most sharply, the state must forbid certain types of cult as intolerable.

Religion, as the highest effort of human nature, is of all things most subject to decay and abuse. The corruption of the best is the worst; and here the state's sound externality of view is the natural refuge of judgment, and its sovereignty indispensable. Toleration means the permission of religious differences on the ground of the inherent freedom and worth of honest religion and on the further ground that we must risk error in order that new truth may be had. To state the purpose of toleration is to imply its limits: they are to be drawn wherever dishonesty or socially subversive error are to be presumed.

In spite of the absence of legal criteria for religious sincerity or metaphysical error no modern state would hesitate in its duty toward any cult proposing to reintroduce human sacrifice or sacred prostitution. It would apply the criterion of negative pragmatism:

that which works bad effects is not true. And without asserting any finality in its judgment that these effects are bad, it would regard them after the analogy of organic intolerance,—they are incompatible with the vital principle of our culture; they are mistaken leads in our community. On similar grounds there would be a presumption against any church having a sex cult, or requiring unsanitary practices, or involving cruel forms of butchery, or promoting nervous disorders, or recommending the total abandonment of labor or property, or hostile in principle to the teachings of science. A state firmly self-confident in its right as a spiritual authority would have refused to permit the burning of a Bruno or the intimidation of a Galileo.

For the most part, the state's intolerance must be limited to the particular subversive activity; for there is many a religious type, especially of the monastic and quietistic sorts, which, subtracting from the state in one direction, richly adds to it in others. The state cannot limit the diversity of philosophy even though it appear to undermine the state's foundations;[11] it must give free play to every effort to persuade. But in the propagation of behavior, the state is bound to act as the committed protagonist of a distinctive culture, recognizing an element of justice in Huxley's view of the

[11] Here we find Locke's limits too narrow. It is worth recalling that Locke, who in his preface calls for "absolute freedom" as the only workable policy, finds in the body of his plea for toleration that it must be subject to three marked restrictions: no religious group may teach what is "immoral or illegal," nor hand its members over as subjects to any foreign prince, nor attack the belief in God as the foundation of the oath. These limits had already been incorporated in his constitution for the Carolinas; though it was at Shaftesbury's insistence that the Church of England was established by that somewhat fantastic instrument. Locke failed to see that the soundness and progress of religious thought requires the active presence of all sorts of unorthodoxy.

effort of civilization as a level maintained with difficulty above a natural, enticing, and extremely subtle bent to savagery, which is nowhere more likely to appear than in the odd lots of religious aberration.

313. In sum, our plea is for the abandonment of the awkward and embarrassed reticence with which the state and the church now confront one another. Instead of that, let each be free to oppose and criticize the other, and to receive opposition and criticism. A masculine church should be met by a masculine state, dealing with each other as of equal right as expressions of the same will, the sovereignty remaining with the state, but the issues being worked out on the ground of public conscience. The church and the state both stand to gain by such a change; and public discussion might move to a higher level, to the mental advantage of the community.

It remains true that the chief service of the church to the state lies not in its occasional proposals of policy, but in its constant maintenance of worship, whereby the merely relative and derivative worth of all political goods is kept in mind. The office of the church is not to induce men to accept things as they are nor yet to tinker with this or that reform; it is to induce them to recognize their abiding city as elsewhere, and, serving God supremely, in whom are the issues of the future as well as the past, compel the state to lose its present life, if need be, that it may save it in the service of a better order. The Bolsheviki think to destroy religion in order to destroy the ecclesiastical support of the bourgeois state. In so doing they may have destroyed an amount of lying, self-interested

mummery, and ventilated corrupt corners. But the Russians are said to be a devout people; and if so any regime which lies athwart their consciences is already powerless.

CHAPTER XXIX

REFLECTIONS ON VIOLENCE

IN these discussions we have aimed to keep together two truths about the state which ought never to stray far out of each other's sight. The state is an organization of reason and conscience. The state as morally free may do evil and be evil.

There is some excuse for keeping in the foreground the first of these truths. The normal state is reasonable. The very form of state life promotes reasonableness. The wholeness of its outlook over human affairs, the persistent beating upon it of corporate memory and experience, the nisus of power over to become power for,—all these tend to make public policy the carrier of such wisdom as the mind of the nation can yield. Force drifts into the hands of the great community chiefly because the very physiology of its life favors the survival of the relatively fair in its longer decisions.

But tendencies are still merely tendencies, not necessities. In spite of them, radical blindness and vice may be built into tradition and law; governments may be or become corrupt, likewise the governed, and the vital circuits of the state can hardly resist infection. The bad government is a familiar fact: the bad state is among the possibilities.

"The bad state," says Hegel, "has existence, but not reality." Having parted company with its own

meaning, its substance belies its form. Has it, then, any longer a claim upon deference and obedience? And with the loosening of obligation, does not resistance, passive or violent, become justified?

315. When Baal was deaf to his worshipers, they were exhorted to cry louder; it is said that they also leaped and gashed themselves with knives. The story suggests that even a god may nod, and require to be approached with violence. Raising the voice is a mild sort of violence; but it is still a physical aggression, not within the bounds of pure reason. The violence of Baal's priests, however, was chiefly directed against themselves—an important suggestion which western revolutionism as distinct from that of the Orient has overlooked. Their assumption was that the god had compunction, and would be brought to reason more quickly by appeal than by threat.

The natural course of dealing with any partially unreasonable power is similarly manifold. The bad government is usually a mixture of good and evil; it is rather inert than malicious. In so far as it is corrupt, it is also cowardly and capable of being moved by fear. The instinctive response to such a state of affairs is a corresponding mixture of reason with vehemence, 'manifestations,' violent literature. Or if we have suffragettes, dealing with rulers whom they regard as essentially decent but unjustly self-satisfied, they may undertake to sting and arouse anger in order that lethargy may be overcome and the question of justice fairly faced.

All such measures imply an underlying persistent patience and hope. The bad government is not hopelessly bad. Obedience in the main continues, and vio-

lence is but a psychological method without depth. But may a government be hopelessly bad?

316. A government is hopelessly bad when it has lost either the will or the capacity for *sufficient* self-correction.

The typical hopeless badness of the ancient state was the condition of 'tyranny,' the violent personal abuse of power. In so far as tyranny was unintelligent and devoid of interest in self-correction, it was a hopeless badness, inviting the answering violence of tyrannicide. Both this disease and its cure are devoid of pertinence to the modern state, whose worth and badness are so far systematized as to lose their personal localization.

The typical chronic badness of the modern state is government in the interest of a class, clothing itself in the form of legality. Its characteristic form of crime is an unacknowledged exploitation of some for the benefit of others; and a persistent manipulation of governmental forms so as to retain the power in the hands of the privileged group,—an unacknowledged dictatorship. But there is nothing hopeless about this sort of crime, which retreats as it is discovered, unless it is united with another, namely, a deliberate policy of keeping the exploited masses undeveloped and ignorant. Then the economic crime becomes a human crime, a form of moral murder on a large scale.

Even so, it is hopeless only if it establishes a vicious circle out of which the society is unable to move. The state is liable to this sort of vicious circle, because of its size, because it accomplishes so much by simply existing and keeping order, and because of its profound identification with the personalities of its members. It

insinuates itself into the habits of the people and becomes their necessity. We are always more docile than we suspect, for the energy of thought is never sufficient to penetrate all the possibilities of the will. Nor is the thought-energy of governors sufficient to penetrate the corners of society. To establish a workable routine is to establish a vast social momentum, which, like the gyroscope, is conservative in proportion to its mass. The state is by nature a conservative body; and conservatism, wholly without ill intent, may constitute a hopeless badness if it implies a fixation of injustice in a fixed government which is fixedly incapable of perceiving it.

There are few regimes wholly incapable of seeing a point of justice. But there are many regimes whose estimate of justice is so colored by habit, that the changes they envisage are *not enough*. They will parley, arbitrate, consult their duty, and yield a little; but they do not know how to perform the sacrifice that hurts. Their souls are not elastic enough to measure the demanded change. They are chronically aged, because they are dated with the society they live in. They cannot expand to the measure of the new forces. Then they must be broken. When the germ of a new society within the womb of the old can only come to birth through the agony, perhaps the death, of its mother, it will obey the violent impulses of a nature whose full meaning it does not perceive.

But can such a situation ever arise in a modern state?

317. Aside from the philosophical anarchists, to whom every state is a hopelessly bad state, there are

certain apostles of revolution to whom most modern states are so far identified in their thought-habits with a particular type of economic system that they can only be cured by being overthrown. These thinkers,—and many of them are keen observers,—regard the obvious evils of existing governments not as incidents of human nature so much as incidents of a bourgeois psychology whose conscience is fatally biassed by its interest. This fundamental proposition is not discussed by them but forms the premiss of their thought. "I suppose," says M. Sorel, "that no one is ignorant of the fact that no important undertaking is carried through without bribery. . . . Democrats and business men have quite a special science for the purpose of making the deliberative assemblies approve of their swindling; the Parliaments are as packed as shareholders meetings."[1] This portrait does not claim scientific exactitude; scientific exactitude is not what is wanted. The thing is to set the mind of men in the right direction; and the right direction is to conceive the existing order as hopelessly bad in order that the will to overthrow it may not flag. Rationalists may see in this reasoning a vicious circle, as if one had decided in advance to have a revolution at all costs. But no. This pessimistic judgment has a broader base; it is founded on a philosophy of history.

This is the Marxian philosophy, according to which class-consciousness with class-war is the destined way into the future. This war exists in so far as each class works for its own interests, has the unmitigated good will to exploit the opposing class when it gets the power, and uses the terms 'arbitration,' 'justice,' etc., merely as so many soporifics to cover insignificant

[1] *Reflections on Violence*, pp. 236 n., 260.

concessions and blind the eyes of its opponents, thereby laming their will to fight. To this view economic interest is the deepest of all motives; and, by inference, conscience, religion, and worship are but ways of lending an imaginary sanction to what one is otherwise resolved to do. Christianity having become a mythology to cover the hypocrisy of a brotherly love which carefully protects its own advantages and gives from its interest without touching its capital, it is to be met by a counter mythology and religious spirit, the mythology of the revolution, in the specific form perhaps of the general strike,—a mythology which, sustaining a resolute pessimism toward the existing order, nerves the will of the worker to a noble indifference toward personal reward, a willingness to oppose and suffer, in the sublime sense of the vast historic movement in which he participates.

Given this outlook, it follows with perfect logic that the badness of present states is more desirable than their goodness. For an approach to goodness may easily interfere with the regular progress of the class war. There is always the grave danger that the present ruling classes may become considerate, take their ideals seriously, and turn the edge of the will to uproot them. "The future of the world would then become entirely indeterminate"; i.e., the Marxian formula for revolution would fail to apply, and no one would know what to do! The feeling of class-hostility must be kept alive; appeal to ideals of justice must be read as a sign of cowardice; mutual accommodation must be feared as a way to mutual degeneration; every concession should be met with greater demands, every advance should be spurned, every gift spit upon, in order that the weakening enemy may not lose the warlike temper!

318. This position has all the invulnerableness and unapproachableness of religious faith. It shows in the most perfect way how far the judgment of doom on states is removed from the region of rational inference. No one can prove that the existing order should be saved; no one can prove that it should be condemned. It must lie within one's intuition whether the self-correcting will is sufficient, whether there is *enough* righteousness to save the city; and if one has, once for all, gained the immediate certainty of its inherent rottenness, then it is a matter at once of character and of sense not to temporize with the devil.

One may fairly complain of an attitude which closes the mind to fact, the will to the perception of sincerity, and the door to cure. There is a pathetic absurdity in a belief in historic determinism which requires so much resolute support to make it work. There is a central inconsistency in that appeal to the intuitive judgment of condemnation which relies so implicitly on the authority of one Karl Marx. There is a certain confession on the part of those who persistently celebrate the irrational, darkly impulsive, and obscure factors in human action of an *unwillingness to think,* so far as we are able to think.[2] To the just comment that there are optimisms essentially shallow and dangerous, and conservatisms essentially cowardly toward needful innovations, it may fairly be urged that there are radicalisms essentially perverse, because in order to "march toward deliverance from evils" they leap blindly into certain evils which reason could foresee and into still others that we know not of; and that there are pessimisms which degrade human nature, because they

[2] A situation cogently analyzed by J. W. Scott in his work *Syndicalism and Philosophical Realism.*

turn all goals into myths, all ideals into pragmatic means to ends, and set up as the only tangible good the fight itself with its necessary cultivation of unnecessary rancor, which is the definition of hell.

These things ought to be said. But having been said they leave open the question of fact as to the inherent badness of existing states. And they leave unmet the deepest motive of the contemporary apostles of revolution, which is, after all, *not economic:* it is a sense that our entire spirituality is prevailingly insincere, and a resolve to be the dupe of no cultural pretence. It is the invincible hatred of sham, and the invincible desire for an honest and commonly human devotion. This being the case, the only answer to the revolutionary spirit which will convince the revolutionist is the evidence that in the state-life about us there is also a hatred of sham and a desire for something worthy of universal devotion.

319. For no natural welding of wills can take place in the state or elsewhere except as men find themselves *spontaneously caring for the same goods.* What is it, then, that you care for, revolutionist? Is it that the courage and faith without which nothing great can happen in history shall be given scope? Is it that the master-type of Nietzsche shall not be thought to have died out from the world with Homer's Achæan Greeks, but shall be held to as the rightful heritage of every man? Is it that "the secret striving toward perfection" on which the hope of the world is hung shall be developed in every workman, and that every man shall be a workman? Then I say to you, revolutionist, that this is my demand also. I will have no state which does not serve the will to power of all of its members in the

form of the passionate love of creative workmanship.

But I ask you to consider whether this state is not already being born within the life of existing states, and without the necessity for their death? I refuse to convict without a hearing any man or any regime of essential insincerity, or of essential aversion toward what is new and better. I refuse to deny the reality of a worship which can bridge the gulf between classes, and make hopeful the meeting of minds across every disparity of material interest. I refuse to accept the call to the leadership of the irrational, which is the guidance of the blind, while reason has still a light in its hand.

320. It has been said that revolution is an ultra-rational act which is justified by its success. I deny it. No revolution which is not justified before it succeeds can be justified by the event.

We need not reiterate the truism that the presumption is always against the violent discontinuity of life. No one who destroys knows all that he destroys. Neither does he know all that he begets. One who attacks an existing order with violence must remember that in spite of his own will he attacks order itself. Revolution cutting across bad habits uproots all habits, and man is "biologized" into the primitive animal.[3] That is, he is biologized unless he adopts the alternative mode of dissolving and recasting his habits, the mode of worship.[4] When revolution is what Locke called "an appeal to God," it may be a revolution without atavism. But a revolution which is overtly an appeal to

[3] So P. A. Sorokin, *Sociology of Revolution.*

[4] § 303, above.

class interest, with a disclaimer of faith, could hardly fail to release forces beyond its control.

The peril of the implied attack upon the principle of continuity is realized in communities where revolution is followed by revolution and not by order. In such communities there is no state; political virtue runs too feebly to create a general commotive current. There is no hope for such a state except by way of external intervention. It is not in the nature of revolution to beget peace and order: it is the opposite of an organism, yet it tends to multiply in its own kind. We have here one criterion—a negative one—of a good revolution: no revolution can ever be justified unless it can consume its own children.

321. There have been revolutions of this self-ending sort, or at least with that promise. The great democratic revolutions undertook to render all further revolutions unnecessary by providing within the cover of national order both the method and the disposition for sufficient self-correction. As the last war was commonly called a war to end war, so these were revolutions to end revolution.

Whether the great war shall have been the end of war is still in the lap of the gods,—and of human reason: those who fought in that faith were justified, though they may yet be written down as servants of a temporarily lost cause. But how is it with those democratic revolutions?

The revolutionist of to-day avers that they have failed; that democracy, in this respect, is even now numbered among the glorious lost causes of history. Whether he is right in this judgment—and he is joined by many who do not regard themselves as revolution-

ists—we hold ourselves bound to enquire.[5] It is certain that stable society can never be had by simply decrying or shackling that human pugnacity which is the shadow of decisive intuition of wrong and the energy of adequate change, and which with every insufficient reform and every advance of brotherhood defines its new work with the subtlety of an instinctive dialectic. But this also is certain, that however deep or long the series of disappointments, the political genius of mankind has turned its corner: into the deliberate policies of men henceforth no violence can rightly enter on any other terms than those professed by these older revolutionists, the purpose of bringing violence to an end.

[5] In a forthcoming volume on Liberty and Democracy.

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